

## **SUBDIVISION RULES AND REGULATIONS**

Amended by Ordinance No. 05-044  
(June 21, 2005)

### **ARTICLE I GENERAL PROVISIONS**

#### **Section 1.01    Title**

These regulations shall be known as the Subdivision Regulations of the City of Arlington.

#### **Section 1.02    Purposes**

The purposes of these regulations are:

- A. To protect and provide for the public health, safety, and general welfare of the community.
- B. To promote and provide for the safe, orderly and healthful development of the area both within the City and within its extraterritorial jurisdiction.
- C. To guide the future growth and development of the City in accordance with the City's Zoning Ordinance, Comprehensive Plan and its constituent elements, including the Thoroughfare Development Plan, Parks Master Plan and all other development-related ordinances of the City.
- D. To promote safety from fire, flood, and other danger, and to prevent overcrowding of the land and undue congestion of population.
- E. To guide public and private development to provide adequate and efficient transportation, water, wastewater, drainage, and other public requirements and facilities.
- F. To provide for the circulation of traffic and pedestrians required for the beneficial use of land and buildings and to minimize congestion throughout the City.
- G. To establish policies governing traffic flow and safety on street facilities, minimize traffic congestion, improve traffic safety and flow, and ensure that traffic generated from the proposed development can be adequately and safely served by the existing and future street system.
- H. To establish reasonable standards of design and procedures for platting to further the orderly layout and use of land and to promote proper legal descriptions and monumenting of platted land.

I. To ensure that adequate public facilities and services are available and will have sufficient capacity to serve the proposed subdivision or addition and that the development will be required to bear its fair share of the cost of providing the facilities and services.

J. To minimize the pollution of streams and ponds; to provide for the adequacy of drainage facilities; to control storm water runoff; to minimize erosion and siltation problems; to safeguard the water table; to encourage the wise use and management of natural resources; and enhance the stability and beauty of the community and the value of the land.

K. To assure that sufficient linear park land facilities are provided to meet the recreational demands resulting from new residential development and to encourage measures for nonstructural flood control that will reduce the risk of flood damage for surrounding development.

L. To remedy the problems associated with illegally subdivided lands and/or previously platted lands, including premature subdivision, incomplete subdivision, or scattered subdivision of land.

### **Section 1.03 Policies**

To carry out the purpose statements above, it is declared to be the policy of the City to guide and regulate the subdivision and development of land in such a manner as to promote orderly growth both within the City and, where applicable, within its extraterritorial jurisdiction.

Proposed plats or subdivisions that do not conform to the purposes listed above and the following policies and regulations shall be denied, or, in lieu of being denied, be approved subject to conformance to these purposes and policies.

These regulations shall be administered in accordance with the following policies:

A. **Conformity with Comprehensive Plan and Ordinances.** Plats and proposed public improvements shall conform to the City's Zoning Ordinance, Comprehensive Plan and its constituent elements, including the Thoroughfare Development Plan, Parks Master Plan and all other development-related ordinances of the City.

B. **Sites and Access for Comprehensive Plan Elements.** Adequate sites and convenient access for schools, parks, playgrounds and other community services indicated in the City's Comprehensive Plan and Thoroughfare Development Plan, Parks Master Plan and all applicable ordinances shall be provided in accordance with the intent, policies and provisions of this ordinance.

C. **Adequate Public Facilities Required.** Each subdivision shall provide adequate public facilities. Adequate public facilities shall include adequate water, sanitary sewer,

drainage, parks and transportation facilities necessary to serve the proposed development, whether or not such facilities are to be located within the property being platted or offsite.

**D. Adequate Public Facilities Standards.** Public facilities shall be considered adequate if they meet the minimum level of service (LOS) established in the appropriate sections of this ordinance and the following standards:

1. **Street Access.** All platted lots must have safe and reliable street access for daily use and emergency purposes.

All platted lots must have direct access to a paved public street, private street, or an approved access easement.

2. **Water.** All platted lots must be connected to a public water system that provides water for health and emergency purposes.

Water service must be sufficient to meet the fire flow requirements.

3. **Wastewater.** All platted lots must be connected to a public wastewater collection and treatment system.

On-site wastewater treatment systems will not be permitted, except for the pretreatment of industrial waste.

The projected wastewater discharge of a proposed development shall not exceed the capacity of the wastewater system.

4. **Drainage.** Storm water runoff attributable to new development shall meet the intent of the minimum standards of this ordinance and the *Design Criteria Manual*. (Amend Ord 04-015, 1/27/04)

5. **Storm Water Management.** Permanent features are required to maintain to the maximum extent practicable the predevelopment characteristics of the natural creek that ultimately receives storm water runoff from the development.

6. **Parks and Recreation.** Parks and recreation facilities shall be deemed adequate when:

a. Park fees have been paid; and

b. Linear park dedication and participation agreements have been executed for residential properties within, or adjacent to, the 100-year floodplain of the following creeks and rivers:

Bowman Branch

Fish Creek (South Branch)

Johnson Creek

Lynn Creek

Rush Creek

Sublett Creek

Trinity River

Village Creek

7. **Electricity.** All platted lots must have access to a public utility that provides electricity for retail consumption.

8. **Telecommunications.** All platted lots must have access to a public utility that provides telecommunications for retail consumption.

E. **Developer Responsibility.** The developer shall be responsible for the accuracy of the information furnished in the design of facilities as they pertain to both the proposed development and other affected properties. Concurrence by the City in the design shall not be construed to relieve any responsibility referred to herein.

F. **Effect of Development.** Land to be platted or developed shall be of such nature, shape and location that it can be used without danger to health or increased risk of fire, floods, erosion, storm water pollution, landslides or other menaces to the general welfare.

G. **Arrangement of Lots and Buildings.** Buildings, lots, blocks and streets shall be arranged so as to afford adequate light, view and air; and to facilitate fire protection, providing ample access to buildings for emergency equipment.

H. **Layout of Development.** Land shall be platted and developed with due regard to topography and existing vegetation with the object being that the natural beauty of the land shall be preserved to the extent feasible. Development shall minimize:

1. Vegetation loss;
2. Encroachment into natural areas;
3. Impervious surfaces; and
4. Changes to natural terrain.

I. **Preservation of Existing Features.** Existing features that add value to development or to the City as a whole, such as historic sites, floodplains and floodways, tree canopy and similar assets should be preserved insofar as possible in the design of the plat.

J. **Build a Sense of Community.** Developments should be compact, utilize pedestrian amenities and integrate uses in order to enhance walkability and foster a sense of community. Developments should celebrate local history, climate, ecology, and building practices in order to contribute to a sense of place.

#### **Section 1.04    Authority**

A. **Authority of Ordinance.** This ordinance is adopted under the authority of the Constitution and laws of the State of Texas, including particularly Chapter 231, Acts of the 40th Legislature, Regular Session, 1927, as amended (Texas Local Government Code Chapters 212 and 230), and the provisions of Section 4 of the Municipal Annexation Act, as amended (Texas Local Government Code Chapters 42 and 43). This ordinance is adopted pursuant to the provisions of Article II, Section 3, of the Charter of the City.

B. **Reserved Authority.** The Council reserves authority over stipulations of plat approval concerning expenditures of City funds and contractual agreements to which the City is a party. The Council also reserves authority over appeals to the requirement for dedication of land, requirements for the construction of adequate facilities, or the payment of escrow. The Commission shall have no power to act on matters of reserved authority; and shall be deemed to concur with the Council's determination on matters of reserved authority. The Planning Director may determine that other DRC appeals fiscally impact the City and shall direct that those appeals be treated as reserved authority comments.

C. **Review Authority.** In addition to its other responsibilities, the Commission is vested with the authority to review, approve, conditionally approve or deny applications for the platting or subdivision of land, except plats with reserved authority comments and replats as outlined in Section 3.08(C)(3).

D. **Planning Director Authority.** The Planning Director may review and approve conveyance plats, final plats, amended plats, and minor plats, according to the provisions of these regulations.

The applicant or the Planning Director may appeal decisions of the Commission concerning any plat to City Council.

#### **Section 1.05    Delegation**

Any city official assigned a specific responsibility under these regulations may delegate that responsibility to another employee. The City Manager may reassign or delegate specific responsibilities to different officials and departments. The authority to

execute written agreements on behalf of the City may not be delegated, except by action of the City Manager or City Council.

#### **Section 1.06    Enforcement**

A.    **Permits Withheld.** Except as provided in Section 3.02, no building permits for any construction activity shall be issued by the City until a plat is approved and filed of record. However, no building permit shall be issued nor public utility service provided for land that has only received approval as a conveyance plat.

B.    **Public Services.** The City shall be under no obligation to furnish, and may in fact withhold, any public services unless and until all rules, regulations and requirements of this ordinance have been met.

#### **Section 1.07    Interpretation and Conflict**

A.    **Interpretation.** These regulations shall be interpreted and applied so as to meet or exceed the minimum requirements necessary to protect the public health, safety and general welfare. These regulations shall be construed broadly to promote the purposes for which they are adopted.

B.    **Conflict with Other Laws.** These regulations are not intended to interfere with, abrogate, or annul any other ordinance, rule or regulation, statute or other provision of law except as specifically provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of this ordinance, or other provision of law, the provision that is more restrictive or imposes higher standards shall control.

#### **Section 1.08    Public Information**

All information provided to the City under these regulations shall be considered public information and will be made available to all for inspection and copying. Any person who submits information under these regulations consents to the copying of that information.

#### **Section 1.09    Modifications**

Where the Commission and/or Council find that compliance with these regulations would cause unusual hardship or extraordinary difficulties in developing the site, the requirements may be modified to mitigate the hardship. However, modifications must meet or exceed ordinance requirements, provided that the public interest is protected and the development is in keeping with the general spirit and intent of this ordinance. This section shall not be interpreted to permit the development of land that is inherently unsuitable.

## **Section 1.10    Incorporation of Design Manuals**

The City's *Design Criteria Manual* is hereby incorporated by reference as if fully set forth in this ordinance. (Amend Ord 03-051, 4/29/03)

## **ARTICLE II DEFINITIONS**

### **Section 2.01    Rules for Definitions**

For the purpose of this ordinance, the following rules shall be applied in constructing, interpreting or otherwise defining the terms and provisions hereof:

- A. Words used in the present tense shall include the future, words used in the singular number shall include the plural number and words used in the plural shall include the singular.
- B. The words "shall", "must" and "will" are mandatory and the words "should" and "may" are permissive.
- C. The phrase "used for" shall include the phrases "arranged for", "designed for", "intended for" and "occupied for" and shall apply exclusively to physical uses.

### **Section 2.02    Definitions**

For the purpose of this ordinance, certain words, terms and abbreviations shall be defined as set forth below.

**"Acceptance, Final"** shall mean acceptance of public facilities and improvements by the City upon expiration of the maintenance period and correction of project deficiencies.

**"Acceptance, Initial"** shall mean acceptance of public facilities and improvements by the City upon completion of the project subject to a maintenance period.

**"Access"** shall mean ingress and egress between the site and a paved public street, private street or approved access easement.

**"Adequate Public Facilities"** shall mean the minimum level of service required for transportation, utilities, drainage, park and other City services to serve the proposed development taking into account surrounding development.

**"Adopted Calendar"** shall mean the schedule of Commission meeting dates for the calendar year that includes cut-off dates for the submission and processing of plats.

**"Build"** shall mean to erect, construct, convert, enlarge, reconstruct, restore or alter a building, structure or infrastructure.

**"Capital Improvements Program"** shall mean a plan for public capital assets with a useful life of three or more years with capital expenditures to be incurred over a fixed number of years to meet the long-term infrastructure needs of the public.

**"City"** shall mean the City of Arlington, Texas.

**"Code"** shall mean the Code of the City of Arlington.

**"Commission"** shall mean the Planning and Zoning Commission of the City.

**"Comprehensive Plan"** shall mean the plan adopted by the Council to guide development of the City and its extraterritorial jurisdiction. The Comprehensive Plan includes all supporting elements, studies and documents as may be adopted, together or separately, by the Council.

**"Council"** shall mean the City Council of the City.

**"Cul-de-sac"** shall mean a street with an approved turnaround having only one common entry and exit.

**"Dedication"** shall mean the designation by the developer of land set aside for public purposes.

**"Developer"** shall mean the owner or a representative who has written authority to act on behalf of the owner.

**"Development"** shall mean the construction of any structure or any activity that requires a building permit or the submission of a plat or development plan. Development will also include any mining, excavation or land disturbance.

**"Development Review Committee or DRC"** shall mean the staff committee charged with reviewing development applications for conformance with this Ordinance and other development regulations.

**"D.R.T.C.T."** shall mean Deed Records, Tarrant County, Texas.

**"Easement"** shall mean the granting of one or more property rights by the owner to a person, government agency or public utility for a specific purpose.

**"Environmental Protection Agency" or "EPA"** shall mean the United States Environmental Protection Agency, the regional office thereof, any federal department, agency, or commission that may succeed to the authority of the EPA, and any duly authorized official of EPA or such successor agency.

**"Escrow"** shall mean money placed in the possession of the City to accomplish the purpose set out in this ordinance including, but not limited to, the following: purchase of



right-of-way; design and construction of drainage facilities; curb and gutter; pavement; streetlights; traffic signals; signs; markings; and sidewalks.

**"Fees, Schedule of"** shall mean fees charged for processing various development applications as set forth by resolution approved by the Council.

**"Filed of Record"** shall mean plats and other legal instruments that are filed in the Plat Records or Deed Records of Tarrant County, Texas.

**"Floodplain" or "Floodway Fringe"** shall mean the area outside the floodway subject to inundation by the 100-year storm.

**"Floodway"** shall mean the channel of a watercourse and adjacent land areas that are reserved to carry and discharge the flood flows associated with the 100-year storm.

**"Frontage"** shall mean the lot dimension adjacent to a street right-of-way, private street or approved access easement that is typically regarded as the front of the lot.

**"IFRIP"** shall mean the Impact Fee Roadway Improvement Plan.

**"Impervious Surface"** shall mean any material that substantially reduces or prevents the infiltration of storm water.

**"Improved Open Channel"** shall mean a creek or area of concentrated drainage modified as a feature to convey drainage.

**"Line, Feeder"** shall mean any line, wire or cable which distributes, transmits or delivers a utility service to a general area and not to a specified end user.

**"Line, Lateral"** shall mean any line, wire or cable which distributes, transmits or delivers a utility service from a feeder line to two (2) or more sites or end users of the utility service.

**"Line, Service"** shall mean any line, wire or cable which distributes, transmits or delivers a utility service from a feeder or lateral line to an end user.

**"Lot"** shall mean a platted parcel of land intended to be separately owned or developed, which is recorded in the D.R.T.C.T. and P.R.T.C.T.

**"Lot, Amenity"** shall mean any lot or parcel created to develop a neighborhood amenity such as open space, landscape or entry features, drainage ways or recreational areas and is not required to meet minimum lot area or dimension requirements.

**"Lot Area"** shall mean that area of a horizontal plane bounded by the front, side and rear lot lines, including any portion of an easement which may exist within such property

lines, exclusive of approved access easements or rights-of-way for public street, private street, alley or rail purposes.

**"Lot, Corner"** shall mean a lot situated at the intersection of two or more streets.

**"Lot Depth"** shall mean the average horizontal distance between the front and rear lot lines.

**"Lot, Double Frontage" or "Lot, Through"** shall mean a lot having frontage on two parallel public streets, private streets or approved access easements.

**"Lot, Interior"** shall mean lot other than a corner lot.

**"Lot Line"** shall mean a boundary of a lot.

**"Lot Line, Front"** shall mean that boundary of a lot that abuts a public street, private street or approved access easement. On corner lots, the front lot line shall be the shorter line abutting a public street, private street or approved access easement.

**"Lot Line, Interior"** shall mean a lot line which is common to two lots.

**"Lot Line, Rear"** shall mean that boundary of lot which is opposite the front lot line and that is most nearly parallel with the front lot line.

**"Lot Line, Side"** shall mean that boundary that is not a front or rear lot line.

**"Lot of Record"** shall mean an area of land designated as a lot on a plat of a subdivision recorded in the Plat Records of Tarrant County, Texas, pursuant to statute with the County Clerk of Tarrant County, Texas.

**"Lot, Private Street"** shall mean a lot created that comprises the area contained in an approved access easement or private street and is not required to meet minimum lot area or dimension requirements.

**"Lot, Reverse Corner" or "Lot, Key"** shall mean a corner lot that has a front lot line perpendicular to an adjoining lot's front lot line.

**"Lot Width"** shall mean the horizontal distance between side lot lines measured at the required front setback line.

**"Municipal Separate Storm Sewer System (MS4)"** shall mean the system of conveyances owned and operated by the City and designed or used for collecting or conveying storm water.

**"Natural Creek"** shall mean an existing drainage channel that has not been graded, modified, cleared or created by equipment.

**"Off-site"** shall mean all areas that lie outside the boundary of the development proposed by the plat.

**"On-site"** shall mean all areas that lie within the boundaries of a development including areas proposed to be dedicated to the public by the plat.

**"Park Development Fee Ordinance"** shall mean that portion of the "Parks and Recreation" Chapter of the Code which specifies the requirements imposed on new residential development for the payment of fees specifically for the purpose of providing necessary recreational facilities.

**"Park Improvements Plan"** shall mean that portion of the Park Development Fee Ordinance which identifies the facilities needed to provide recreational facilities for new development including areas required to be dedicated for linear parks.

**"Parks, Recreation and Open Space Master Plan" or "Parks Master Plan"** shall mean the officially adopted plan, which is supporting element of the Comprehensive Plan, for the development of parks and public recreational facilities in the City.

**"Planning Director"** shall mean the Director of the Planning and Development Services Department or representative.

**"Plat"** shall mean the plan or map for the development to be filed for record in the Plat Records or Deed Records of Tarrant County, Texas.

**"Plat, Amended"** shall mean a plat correcting errors or making minor changes to the original recorded plat, as permitted in the Texas Local Government Code.

**"Plat, Conveyance"** shall mean a plat utilized as an interim step in the development of land in order to record the subdivision of land or record a single lot or parcel created by other means. A conveyance plat is for property not previously platted and not intended for immediate development. A conveyance plat does not constitute the approval of the development of property. (Amend Ord 04-015, 1/27/04)

**"Plat, Final"** shall mean the instrument that becomes the official, accurate permanent record of the division of land.

**"Plat, Minor"** shall mean a subdivision resulting in four or fewer lots and that does not require the creation of any new public street or the extension of municipal facilities.

**"Plat, Preliminary"** shall mean the preliminary plan or map indicating the proposed manner or layout of the development. The preliminary plat should produce a design in which all ordinance requirements have been satisfied.

**"Plat Vacation"** shall mean a plat that returns platted property to the condition of the property prior to the filing of the latest plat filed of record.

**"Private Access Easement"** shall mean an easement across private property that provides access to one or more lots.

**"P.R.T.C.T."** shall mean Plat Records, Tarrant County, Texas.

**"Public Facilities"** shall mean transportation, utility, drainage, park, and other City services required to serve a development.

**"Public Improvements"** shall mean transportation, water, sewer, storm sewer, utility, drainage, park and other facilities for use by the public.

**"Replat"** shall mean a revision of existing platted lots or existing platted lots in combination with existing tracts for the purpose of creating a new lot configuration.

**"Reserved Authority"** shall mean stipulations of plat approval reserved to the Council concerning expenditures of City funds and contractual agreements to which the City is a party. The Council also reserves authority over appeals to the requirement for dedication of land, requirements for the construction of adequate facilities, or the payment of escrow.

**"Roadway Conditions"** shall mean a minimum acceptable pavement condition score of 70 as rated by the City of Arlington's Pavement Management Program.

**"Roadway Facility"** shall mean existing and proposed streets and all related facilities including, but not limited to pavement, drainage facilities, sidewalks, signals, markings, signage, streetlights, median openings, turn lanes, and acceleration or deceleration lanes.

**"Site-Related Facility"** shall mean any improvements or facilities in which the primary purpose is providing facilities to serve a specific new development. These improvements are for the primary benefit of a new development and are not included in the Impact Fees Capital Improvements Plan. The property owner is solely responsible for all costs associated with these improvements, as required by the subdivision ordinance and other regulations.

**"Storm Water Management Site Plan" or "SWMSP"** shall mean a plan that addresses the long-term effect of development on storm water quantity or quality and satisfies the requirement for post-construction water quality maintenance in an EPA or TCEQ storm water discharge general permit.

**"Storm Water Pollution Prevention Plan" or "SWPPP"** shall mean a plan required by an EPA or TCEQ storm water discharge general permit for the implementation of best management practices to reduce pollutants in storm water discharges associated with construction.

**"Street"** shall mean a public way for vehicular traffic.

**"Street, Arterial"** shall mean a through street designed for the movement of heavy traffic.

**"Street, Collector"** shall mean a street intended to move traffic from local streets to the arterial street system.

**"Street, Internal"** shall mean generally any street whose entire width is contained within a development.

**"Street, Local"** shall mean a street intended to move traffic primarily from residential uses to a collector street.

**"Street, Perimeter"** shall mean any street that abuts a development and may be partially contained within the development.

**"Subdivision"** shall mean the division of a tract of land or lot into smaller parcels for the purpose of selling, conveying, transferring, leasing or developing.

**"Texas Commission on Environmental Quality" or "TCEQ"** shall mean the State of Texas Agency by that name, the regional offices thereof, any state department, agency, or commission that may succeed to the authority of the TCEQ, and any duly authorized official of TCEQ or such successor agency.

**"Thoroughfare Development Plan" or "Thoroughfare Plan"** shall mean an element of the City's Comprehensive Plan that identifies the City's future street system and roadway network including policies and standards.

**"Tract"** shall mean all contiguous property in common ownership. (Amend Ord 03-051, 4/29/03)

### **ARTICLE III PLAT SUBMITTAL AND APPROVAL PROCEDURES**

#### **Section 3.01    Platting Required**

##### **A.    Division of Property**

Every owner of any tract of land who divides the tract into two or more parts shall cause a plat to be made, which accurately describes and locates the entire tract by metes and bounds as required in this ordinance. A division of a tract under this subsection includes a division regardless of whether it is made by using a metes and bounds description in a deed of conveyance or in a contract for a deed, by using a contract of sale or other executory contract to convey, or by using any other method. No plat may be recorded and no transfer of title to any part of a tract of land shall be made until a plat, accurately describing the property to be conveyed, is approved in accordance with these provisions and filed of record.

## **B. Creating a Building Site**

Except as provided in Section 3.02 or for a plot or tract conveyed prior to May 29, 1952 and remaining in the same configuration, the City shall issue no permits for any construction activity or allow any public improvements for a development until a plat is approved and filed of record. Upon written request from the developer, the Directors of Water Utilities and/or Public Works may allow the construction of public improvements prior to plat filing with accepted plans and inspection. In order for the request to be granted, the developer must demonstrate that an inability to file the plat within a reasonable timeframe is the result of filing requirements that do not have a substantive impact upon the development of the land. If the City allows the development of public improvements prior to plat filing, the City shall not accept those improvements until a plat is filed of record. No building permit shall be issued nor public utility service provided for land that has only received approval as a conveyance plat.

## **C. Exception from Subdivision Requirements**

In accordance with Section 212.004(a) of the Texas Local Government Code a division of land under this subsection does not include a division of land into parts greater than five acres, where each part has access and no public improvement is being dedicated.

1. This subsection applies only if adequate water, sewer, storm sewer, transportation facilities and linear park facilities exist.

2. The phrase "no public improvement is being dedicated" means that these Subdivision Regulations and the Comprehensive Plan do not require, or plan for, the dedication and/or construction of any linear park or public improvement upon any portion of the land to be divided.

## **Section 3.02 Rules Applicable to All Plats**

A. **Pre-application Conference.** A pre-application conference with the Department of Public Works is required for all plats one acre in size or larger as indicated in Section 5.02.

B. **Completed Application Required.** No plat shall be accepted for review by the City of Arlington until it fulfills all of the requirements of this Article specifically including traffic studies, drainage plans, utility plans, linear park agreements, and fees have been paid. No application fees shall be refunded after 5:00 p.m. on the deadline for acceptance for review.

## **C. Plat Requirements for Acceptance for Review**

1. Subdivision names shall not duplicate the name of any previously filed or recorded subdivision unless the preliminary plat establishes phases that may be used for the entire development.

2. All plats shall be drawn to a scale of one inch equals 100 feet or one inch equals 50 feet. The Planning Director may approve the use of an alternate scale to ensure legibility.

3. All plats shall be on a sheet size of 24" x 36" or 18" x 24". If the plat requires more than one sheet, each sheet shall be numbered as it corresponds to the total number of sheets (i.e., 1 of 2, 2 of 2). When a match line is required, a key map shall be provided. Preliminary Plats may be submitted on larger sheet sizes.

Paper prints shall be folded in such a manner that the title block shall be read easily from the outside and have folded dimensions of 8½"x11".

4. Two 11"x17" legible paper reductions shall be submitted with each plat. The name of the plat, boundaries and street layout shall be clearly legible. If the paper copies are not legible, photomechanical transfers (PMTs) shall be required.

5. The required number of reproducible and paper prints shall be submitted in accordance with the following table.

6.

Type of Plat or Plan	Reproducibles	Paper Copies
Preliminary Plat	1 blackline reproducible mylar	20
Minor Plat	1 reproducible vellum	20
Replat	1 reproducible vellum	20
Conveyance Plat	1 reproducible vellum	20
Final Plat	1 reproducible vellum	14
Amending Plat	1 reproducible vellum	14
Combined Preliminary Plat and Final Plat	1 blackline reproducible mylar	20 of each
Preliminary Water and Sanitary Sewer Layout (See 6.02)	0	2
Traffic Study (See 4.03)	0	2

Preliminary Storm Water Management Site Plan (See 5.02)	1 reproducible (once accepted)	1
Preliminary Drainage Plan (See 5.02)	1 reproducible (once accepted)	1
As-built survey reflecting existing permanent structures (not required for conveyance and preliminary plats)	0	2

(Amend Ord 04-112, 12/20/04)

#### **D. Procedures for Plat Approval**

1. **Development Review Committee (DRC) Comments.** All plats accepted for review shall be examined by the DRC for compliance with City ordinances. The DRC may make comments to assist in the development of the property. DRC comments and the plat will be forwarded to the Commission and/or Council for consideration. Failure to make specific comments does not relieve the property owner from compliance with all ordinances.

a. The plat will be forwarded to the Commission upon compliance with DRC comments. (Amend Ord 04-112, 12/20/04)

b. Appeals to ordinance requirements shall be submitted in writing to the Department of Planning and Development Services in accordance with the adopted calendar. (Amend Ord 04-015, 1/27/04)

2. **Schedule.** The plat shall be scheduled for consideration on the Commission agenda within 30 days after the date the plat is filed. The plat is considered filed upon the determination by the Planning Director that the plat is administratively complete. (Amend Ord 04-112, 12/20/04)

Plats shall be approved or disapproved within the timeframe established in Chapter 212 of the Texas Local Government Code, unless the applicant voluntarily requests in writing that action on the plat be tabled or continued.

3. **Plats with Reserved Authority Comments.** The Commission shall have no power to act on matters of reserved authority. If a plat with appealed reserved authority comments is recommended for approval by the Commission, it shall be sent to the Council for action within thirty (30) days after the Commission's action on the plat. For the purposes of joint authority over appealed reserved authority comments, the Commission shall be deemed to concur with the action of the Council.

E. **Standards for Approval.** No plat shall be recommended or approved unless the following standards have been met:



1. The plat meets all other requirements of this ordinance.
2. The plat conforms to the Comprehensive Plan, Thoroughfare Development Plan, and all applicable zoning and other ordinances.
3. Provision has been made for adequate public facilities under the terms of this ordinance.

**F. Dedication.**

1. **Dedication Required.** Property necessary for the orderly development of streets, roadways, thoroughfares, utilities, parks, storm water facilities or other public purposes shall be dedicated to the City as required by this ordinance and in accordance with the Comprehensive Plan, the Thoroughfare Development Plan, the Parks Master Plan and the Zoning Ordinance. Dedication of and acceptance by the City of such property shall be a condition of plat approval.
2. **Proportionality Required.** The dedication requirements for a specific plat shall be roughly proportional to the projected impact of the proposed development. Upon the request of the applicant, the Commission shall make an individualized determination that the required dedication is related both in nature and extent to the impact of the proposed development.

**G. Underground Utilities.**

1. **Lateral and service lines.** All lateral and service lines serving residential development shall be placed and maintained underground. All lateral and service lines serving non-residential development may be overhead.
2. **Feeder lines.** Overhead feeder lines may only be allowed when the feeder line will be located:
  - a. Adjacent to a public or private street where overhead lines exist;
  - b. Along the perimeter of a subdivision where overhead lines exist; or
  - c. Along the perimeter of a subdivision that has existing underground feeder lines only if the proposed development provides the entire width of the utility easement necessary to accommodate the proposed utility.
3. **Utility Company Responsibility.** The utility company shall be responsible for developing administrative policies and cost reimbursement procedures for the installation and extension of underground service. These policies shall permit the utility company to recover the cost differential between extending and installing overhead and underground service from the developer.

## **H. Property Owners' Association Responsibility.**

1. **Property Owners Association Required.** Subdivisions developed with amenities or property held in common ownership, including but not limited to private streets, amenity lots, drainage features subject to a maintenance agreement, and perimeter fencing, shall have a mandatory property owners association which includes all property served by such amenity or property.

a. The association shall own and be responsible for the maintenance of the amenity or property.

b. The association documents must establish a reserve fund for the maintenance of the amenity, property or other improvements.

c. The association documents shall be filed of record prior to filing the final plat. Lot deeds must convey membership in the association and provide for the payment of dues and assessments required by the association.

d. A note shall be included on the final plat indicating that the property owners' association shall be responsible for such property or amenities.

e. The association shall not be terminated. The City shall be notified if the property owners association fails to be in existence.

2. **Alternative Funding Mechanisms.** In the event that a property owners association fails to collect reserve funds to maintain property such as private streets, access easements, drainage easements, or pools, the City may assess property owners within the subdivision served by the amenity or facility the costs associated with addressing matters of public safety.

## **I. Perimeter Fencing.**

1. **Applicability.** The developer of all single family detached, single family attached and two-family residential development with a preliminary plat approved after the effective date of this ordinance shall be required to construct a continuous screening fence along all lots platted where the rear and/or side yards are adjacent to a freeway, strategic regional arterial, major arterial, minor arterial, or major collector as identified on the City's Thoroughfare Development Plan. The developer shall construct these fences at his sole expense, in accordance with the standards set forth in the perimeter fence requirements section of the Zoning Ordinance. (Amend Ord 04-112, 12/20/04)

2. Fences shall conform to the requirements of the ordinances of the City governing the sight distance for traffic safety. (Amend Ord 04-112, 12/20/04)

3. Prior to the City's release of the subdivision for permits, fences shall be completed and final inspected. Fences are permitted to be developed in phases as they are final platted. (Amend Ord 04-112, 12/20/04)

4. Maintenance of perimeter fencing constructed as required under Article XIII of the Zoning Ordinance as part of a development that is platted after the effective date of this Ordinance is the responsibility of any person, firm, corporation or other entity who shall own or occupy any lot or lots on which a fence was constructed pursuant to the terms of this Section to adequately maintain the fence and to prevent it from becoming dilapidated or unsightly unless otherwise specified as the responsibility of a mandatory property owners' association which includes all property within the plat to ensure maintenance in accordance with Section 3.02(H). (Amend Ord 04-112, 12/20/04)

5. Prior to the City's issuance of a final building inspection for residential occupancy, the developer must complete all fences required herein. Fences are permitted to be developed in phases as they are final platted.

6. Maintenance of perimeter fencing constructed as required under Article XIII of the Zoning Ordinance as part of a development that is platted after the effective date of this Ordinance is the responsibility of a mandatory property owners' association which includes all property within the plat to ensure maintenance in accordance with Section 3.02(H).

**J. Denial of a Plat.** If the Commission denies a plat, the plat is disapproved and it shall not be filed of record within the County.

**K. Plats for Filing of Record**

1. All plats submitted for filing shall be sealed by an appropriate registered professional.

2. Plats shall be recorded in the Plat Records of the County by the Department of Planning and Development Services within 14 days of compliance with:

- a. All stipulations of approval;
- b. All necessary fiscal agreements must be approved by the City and fully executed by all parties; and
- c. Payment of all applicable fees, assessments and both current and delinquent taxes.

3. All plats to be filed of record shall conform to all conditions of approval and shall be submitted to the Department of Planning and Development Services. Failure or refusal to comply with all conditions of approval attached to a plat shall automatically

cause the plat to be deemed denied as of the date of its conditional approval and shall not be filed with the County.

4. Submission requirements shall include:

a. Two blackline reproducibles, with all signatures and certifications signed in reproducible black ink.

b. One copy of a document on 8½"x11" bond paper which shows the owner's certificate, dedication statement, original property owner's signature, notary statement and note of any other certifications.

c. One computer disk labeled with information conforming to Section 3.05(B)(10), *Title block* and containing all digital graphics associated with the plat. Files shall be submitted on a functional, Intel PC-compatible 3½" high density diskette or CD ROM containing an AutoCAD (any version) ".DWG" file, a "DXF" file, or a compressed self-extracting file containing any of the aforementioned file types. The owner may pay a fee, set by the Schedule of Fees, in lieu of submission of the plat in electronic format. The digital graphics shall be in U.S. Survey Feet, "Texas State Plane, North Central Zone" Coordinate System, NAD83 horizontal datum, and have the following data on their own layers using the following naming convention:

DATA	Layer Name
Street Centerline	STREETCL
Parcel Boundaries	PRCBOUND
All Text	ALLTEXT
Easements	ESMT
ROW Dedication	ROWDED
Abandonments	ABDN

If available, the digital graphics should also have the following data on their own layers using the following naming convention:

DATA	Layer Name
Lot Lines, Existing	LOT-EXST
Lot Lines, New	LOT-LINE
Lot Areas (Parcel polygon)	LOT-AREA

Lot Annotation	LOT-ANNO
Block Area (polygon)	BLK-AREA
Block Annotation	BLK-ANNO
Subdivision Boundary	SUB-AREA
Subdivision Annotation	SUB-ANNO
Street Centerlines, New	CLINE
Street Centerlines, Existing	CLINE-EXST
Street Centerlines Annotation	CLINE-ANNO
Right-of-Ways, New	ROW
Right-of-Ways, Existing	ROW-EXST
Right-of-Ways Annotation	ROW-ANNO
Easements, New	ESMT
Easements, Existing	ESMT-EXST
Easements Annotation	ESMT-ANNO
Abandonments	ABDN
GPS Monuments	GPS

d. Original tax certificates from Tarrant County indicating that no delinquent ad valorem taxes are owed on the real property shall be attached to the plat. Paid tax receipts verifying that current taxes have been paid shall be provided to the Department of Planning and Development Services. (Amend Ord 04-015, 1/27/04)

#### **L. Expiration of Plats and Dormant Plats**

1. **Preliminary Plats.** Preliminary plat approval shall expire two years from the date of approval unless a final plat of all or a portion of the preliminary plat has been filed of record. The expiration date shall be extended an additional two years from the date of such filing for the remaining portion of the preliminary plat.

2. **Final Plats.** A final plat shall expire one year after date of application or the expiration of the preliminary plat, whichever is earlier. (Amend Ord 04-112, 12/20/04)

3. **Combination Plats, Replats and Minor Plats.** A combination plat, replat or a minor plat shall expire one year after the date of application unless filed of record. (Amend Ord 04-112, 12/20/04)

4. **Amended Plats and Conveyance Plats.** Amended plats and conveyance plats shall expire six months from the date of application unless filed of record. (Amend Ord 04-112, 12/20/04)

5. **Tabled Plats.** Any preliminary plat application that has been tabled on the DRC agenda at the request of the applicant will expire six months from the date of application. (Amend Ord 04-112, 12/20/04)

6. **Plat Vacations.** A plat vacation that has not complied with all stipulations and has not been recorded within one year from the date of approval shall expire. (Amend Ord 04-112, 12/20/04)

7. **Extensions.** No extensions of time shall be made to the above expiration dates. (Amend Ord 04-112, 12/20/04)

M. **Exemptions for Single Tracts Prior to Construction.** Any owner of an unplatted single tract of land shall be required to submit for approval and have filed of record a plat of the tract prior to the commencement of construction or issuance of a building permit. However, nothing in these regulations shall require a plat to be approved and filed as a prerequisite to construction under the following conditions:

1. The tract is zoned "A" Agricultural, "E" Estate, "R" or "R-1" or "R-2" Residential, "TH" Townhouse, or "D" Duplex, and such construction is for any of the following purposes, and such addition or alteration conforms with the City's Zoning Ordinance:

- a. Adding to an existing lawfully conforming single-family building or structure;
- b. Altering an existing lawfully conforming single-family building or structure;
- c. Adding an accessory building or structure to an existing lawfully conforming single-family use;

2. The tract is not located in one of the zoning districts listed above, the construction is for any of the following purposes, and such addition conforms with the City's Zoning Ordinance:

- a. Adding an accessory building to an existing lawfully conforming use on the same tract.
- b. Adding a fence on the tract.

c. Adding to or altering an existing commercial or industrial building. (Amend Ord 04-112, 12/20/04)

### **Section 3.03    Conveyance Plats**

A.    **Conveyance Plat Requirements.** A conveyance plat may be used in order to subdivide or sell land without plans for its immediate development. A conveyance plat allows the recording of a subdivision without requiring the construction or design of public improvements or collection of development fees. Easements, dedications and reservations may be recorded on a conveyance plat.

B.    **Submittal Requirements.** Each conveyance plat submittal shall include a digital file conforming to Section 3.02(K)(4), *Plats for Filing of Record*, and shall contain the following information:

1.    Name, address, phone, fax and e-mail address of record owner.
2.    Volume and page of record ownership, D.R.T.C.T.
3.    Name, address, phone, fax and e-mail address of the professional preparing the plat.
4.    Name, address, phone, fax and e-mail address of the developer, if applicable.
5.    Key map showing subdivision location referencing existing streets and highways.
6.    North arrow.
7.    Written and graphic scale.
8.    Location and approximate dimensions of all boundary lines of the property shall be indicated by heaviest lines and expressed to the nearest 1/100th foot, unless more specific information is available.
9.    Existing adjoining property information shall be shown by dotted or dashed lines including:
  - a.    If platted - the subdivision name, lot numbers, block or tract numbers and recording information including volume and page of P.R.T.C.T.;
  - b.    If unplatted - the record ownership including the volume and page of D.R.T.C.T.; and
  - c.    If subdivided without platting - show both (a) and (b) above.
10.   Title block shall be placed in the bottom right corner of the plat and shall include:

- a. The type of plat;
- b. A reference to the original survey including recording information;
- c. The location by City, County and State; and
- d. The date of preparation. (Amend Ord 04-015, 1/27/04)

11. Certifications, notary statements and authorizations in accordance with the official forms on file in the Department of Planning and Development Services.

12. The following certification shall be shown on all conveyance plats:

*"No building permit shall be issued nor public utility service provided for land that has only received approval as a conveyance plat."*

13. At least one corner of a subdivision shall be tied by course and distance to a corner of a platted lot or an original corner of the original survey of which it is a part. The plat shall include a note describing the corner tie, and a tie to a Global Positioning System (GPS) monument accepted by the City. The location and coordinates of the two iron rods shall be in U.S. Survey Feet, "Texas State Plane, North Central Zone" Coordinate System, and NAD83 horizontal datum; and the elevation of two iron rods shall be shown on the plat prior to filing with the County. (Amend Ord 04-015, 1/27/04)

### **C. Final Action**

1. **Approval and Filing of Conveyance Plats.** If the Planning Director determines that the conveyance plat complies with requirements of this Section, then the conveyance plat shall be certified by the required parties and filed of record.

2. **Denial of Conveyance Plats.** If the Planning Director determines that the conveyance plat does not comply with the requirements of this Section, then the conveyance plat shall be denied. The Planning Director shall provide the applicant written notification and explanation of the denial within a reasonable period of time following its submission to the Planning Director.

## **Section 3.04 Preliminary Plats**

### **A. Preliminary Plat Required**

1. **Preliminary Plat required for 5 or more lots.** An owner who elects to subdivide a tract into five or more lots shall submit a preliminary plat to be processed and approved prior to submitting a final plat for approval and filing of record. A combined preliminary plat and final plat may be submitted for 30 or fewer lots, as indicated in Section 3.06.



2. **Preliminary Plat for 4 or fewer lots.** An owner shall submit a preliminary plat to be processed and approved prior to submitting a final plat for filing of record when subdividing such tract into four or fewer lots. An owner may elect to submit such plats as a minor plat in accordance with Section 3.07.

**B. Submittal Requirements.** The preliminary plat must contain sufficient information to determine whether the proposed plan meets the requirements of these Subdivision Regulations.

Each preliminary plat submittal shall include a digital file conforming to 3.02(K)(4), *Plats for Filing of Record*, and shall contain the following information:

1. Name, address, phone, fax and e-mail address of record owner.
2. Volume and page of record ownership, D.R.T.C.T.
3. Name, address, phone, fax and e-mail address of the professional preparing the plat.
4. Name, address, phone, fax and e-mail address of the developer, if applicable.
5. Key map showing subdivision location referencing existing streets and highways.
6. North arrow.
7. Written and graphic scale.
8. Location and approximate dimensions of all boundary lines of the property shall be indicated by heaviest lines and expressed to the nearest foot, unless more specific information is available.
9. Location and approximate dimensions of all lots.
10. Existing adjoining property information shall be shown by dotted or dashed lines including:
  - a. If platted - the subdivision name, lot numbers, block or tract numbers and recording information including volume and page of P.R.T.C.T.;
  - b. If unplatted - the record ownership including the volume and page of D.R.T.C.T.; and
  - c. If subdivided without platting - show both (a) and (b) above.
11. Title block shall be placed in the bottom right corner of the plat and shall include:

- a. The type of plat;
- b. The proposed name of the subdivision with section or phase if applicable;
- c. The proposed lot and block numbers;
- d. A reference to the original survey and/or previous plat including recording information;
- e. The location by City, County and State; and
- f. The date of preparation.

12. Data Table showing:

Lots	Number	Uses	Acreages
Residential		Residential	
Non-Residential		Public Street	
Total		Park or Open Space	
		Other	
		Total Acreage	

13. The location and dimensions of any existing permanent structures located on the property and a notation stating whether structures will remain or be removed.

14. A number or letter to identify each lot, block or site.

15. Certifications, notary statements and authorizations in accordance with the official forms on file in the Department of Planning and Development Services.

16. Topography of the tract shown and labeled on a basis of five foot maximum vertical intervals; datum shall be that of the North American Vertical Datum of 1988 (NAVD88). Topography shall be submitted by electronic file in .DWG or .DXF format and shall be tied horizontally to the City's monuments.

17. Clearly delineated existing and proposed information in accordance with Figure 1.

### [Figure 1](#)

### [Information Required on Preliminary Plats](#)

Notes:

A. Dimensions and locations are to be based on recorded instruments or plans unless more accurate information is available.

B. Approximate vertical grade data will be listed for any proposed street located where the existing natural grade is eight percent or more.

C. Geometric data for easements and rights-of-way shall be provided where it does not parallel a property line.

D. As defined by the approved U.S. Corps of Engineers study or other acceptable study approved by the Director of Public Works or existing water courses.

E. Along both sides of the right-of-way.

### C. **Final Action**

1. **Approval of Preliminary Plats.** After the Commission approves the preliminary plat, a final plat that conforms to the preliminary plat and any and all conditions of approval may be submitted for review.

2. **Denial of Preliminary Plats.** If the Commission denies the preliminary plat, no final plat shall be accepted.

D. **Revision to an Approved Preliminary Plat.** If an owner proposes substantive changes to a preliminary plat after it has been approved by the Commission, a revised preliminary plat shall be prepared, processed and approved by the Commission, prior to the preparation of the final plat. If the Planning Director determines the proposed changes are not substantive, a revised preliminary plat may be approved administratively. The revised preliminary plat shall include all property within the boundary of the original preliminary plat. A revision to an approved preliminary plat shall not affect the expiration of the plat. Preliminary plat approval shall expire two years from the date of approval of the preliminary plat unless a final plat of all or a portion of the preliminary plat has been filed of record.

### **Section 3.05 Final Plats**

A. **Final Plat Requirements.** A final plat application may only be filed if:

1. The final plat substantially conforms to the approved preliminary plat, all DRC comments, and any and all conditions of approval.

Final plats may include all or only a portion of the area of the approved preliminary plat; or

2. The final plat is submitted as a combined preliminary and final plat in accordance with Section 3.06 or Section 3.07.

**B. Submittal Requirements.** Each final plat and combination plat submitted shall include a digital file conforming to 3.02(K)(4), *Plats for Filing of Record*, and shall contain the following information:

1. Name, address, phone, fax and e-mail address of record owner.
2. Volume and page of record ownership, D.R.T.C.T.
3. Name, address, phone, fax and e-mail address of the professional preparing the plat.
4. Name, address, phone, fax and e-mail address of the developer, if applicable.
5. Key map showing subdivision location referencing existing streets and highways.
6. North arrow.
7. Written and graphic scale.
8. All information needed to provide the dimensional precision necessary to recreate the plat on the ground, including but not limited to the location and dimension of all boundary lines of the property (indicated by the heaviest line) and all lots.
9. Existing adjoining property information shall be shown by dotted or dashed lines including:
  - a. If platted – the subdivision name, lot numbers, block or tract numbers and recording information including volume and page of P.R.T.C.T.;
  - b. If unplatted – the record ownership including the volume and page of D.R.T.C.T.; and
  - c. If subdivided without platting - show both (a) and (b) above.
10. Title block shall be placed in the bottom right corner of the plat and shall include:
  - a. The type of plat;
  - b. The proposed name of subdivision with section or phase if applicable;
  - c. The proposed lot and block numbers;
  - d. A reference to original survey and/or previous plat, including recording information;

- e. The location by City, County and State;
  - f. The date of preparation;
  - g. The number of lots.
11. Gross acreage contained in the subdivision.
12. Certified acreage significant to three digits for each lot, tract, or site shall be shown on the plat.
13. The acreage significant to three digits or the square footage of the right-of-way dedicated for major collectors and arterials shall be shown on the face of the plat. Corner clips shall be included in the acreage calculations when they involve the intersection of minor streets or minor collectors with major collectors or arterial streets.
14. A number or letter to identify each lot or site and each block.
15. Certifications, notary statements, affidavits and authorizations in accordance with the official forms on file in the Department of Planning and Development Services.
16. The point of beginning shall be tied to the corner of the survey or a previously platted lot by volume and page or cabinet and slide. The plat shall include a note describing the corner tie, and a tie to a Global Positioning System (GPS) monument accepted by the City. The location and coordinates of the two iron rods shall be in U.S. Survey Feet, "Texas State Plane, North Central Zone" Coordinate System, and NAD83 horizontal datum; and the elevation of two iron rods shall be shown on the plat prior to filing with the County. (Amend Ord 04-112, 12/20/04)
17. Statements acknowledging visibility triangles, impact fees, and cabinet and slide notes shall be placed on each page in accordance with the forms on file in the Department of Planning and Development Services.
18. All DRC comments related to required infrastructure improvements shall be listed or indicated on the plat.
19. Original tax certificates from Tarrant County indicating that no delinquent ad valorem taxes are owed on the real property shall be attached to the plat. Paid tax receipts verifying that current taxes have been paid shall be provided to the Department of Planning and Development Services. (Amend Ord 04-015, 1/27/04)
20. Clearly delineate all existing and proposed information in accordance with the Figure 2.

**Figure 2**

## **Information Required on Final Plats**

Notes:

A. Dimensions and locations shall be based on recorded instruments or plans unless more accurate information is available.

B. Vertical grade data shall be listed for any proposed street located where the existing natural grade is eight percent or more.

C. Geometric data, including curve data if applicable, for easements and rights-of-way shall be provided where it does not parallel a property line.

D. As defined by the approved U.S. Corps of Engineers study or other acceptable study approved by the Director of Public Works or existing water courses.

E. Along both sides of the right-of-way.

F. Geometric data, including curve data if applicable, and other necessary relocation data in order to reproduce the subdivision on the ground.

G. Existing facilities (water and sewer) shall be verified in the field and adequate easements shall be platted to coincide with the actual location of the facilities.

### **C. Final Action**

1. **Approval and Filing of Final Plat.** If the Planning Director determines that the plat substantially conforms to the approved preliminary plat, the final plat shall be certified by the required parties and filed of record.

2. **Denial of Plat and Requirements.** If the Planning Director determines that the final plat does not conform to the approved preliminary plat, the final plat shall be denied. The Planning Director shall provide the applicant written notification and explanation of the denial within a reasonable period of time following its submission to the Planning Director.

### **Section 3.06 Combination Plats**

An application for a combined preliminary and final plat shall meet all requirements and procedures of Sections 3.04 and 3.05.

### **Section 3.07 Minor Plats**

A. **Minor Plats Required.** When a tract or parcel of land has not been previously platted and filed of record, the owner may elect to submit a minor plat whenever the tract:

1. is to be subdivided into four or fewer lots;
2. fronts on an existing street;
3. does not require the creation of any new street or the extension of municipal facilities; and
4. does not require a public hearing for filing of record.

B. **Submittal Requirements.** All requirements of Section 3.05 *Final Plats Submittal Requirements* shall be satisfied for submittal.

C. **Final Action**

1. **Approval and Filing of Minor Plats.** If the Planning Director determines that the minor plat complies with requirements of this ordinance and DRC comments, then the minor plat shall be certified by the required parties and filed of record.

2. **Denial of Minor Plats.** If the Planning Director determines that the minor plat does not comply with the requirements of this ordinance and DRC comments, then the minor plat shall be denied. Failure or refusal to comply with all conditions of approval attached to the minor plat shall automatically cause the minor plat to be deemed denied as of the date of its conditional approval. The Planning Director shall provide the applicant written notification and explanation of the denial within a reasonable period of time following its submission to the Planning Director.

**Section 3.08 Replats**

A. **Replatting without Vacating a Preceding Plat.** A replat of a subdivision or part of a subdivision may be recorded and is controlling over the preceding plat without vacation of that plat if the replat:

1. is signed and acknowledged by only the owners of the property being replatted;
2. is approved, after a public hearing; and
3. does not attempt to amend or remove any covenants or restrictions.

B. **Submittal Requirements.** All requirements of Section 3.05 *Final Plats Submittal Requirements* shall be satisfied for submittal of a replat and the following minimum certification shall be shown on all replats:

*"This plat does not alter or remove existing deed restrictions or covenants, if any, on this property."*

C. **Public Hearing and Written Notice Required**

1. Replats which do not show the executed deed restrictions statement, shall be processed in accordance with Texas Local Government Code Sections 212.014 and 212.015 as follows:

a. Notice of the hearing shall be given before the 15th day before the date of the hearing by:

(1) Publication in an official newspaper or a newspaper of general circulation in Tarrant County; and

(2) By written notice to the owners of lots that are in the original subdivision and that are within 200 feet of the lots to be replatted as indicated on the City's most recently approved tax roll.

b. If the proposed replat requires a variance from this ordinance and is protested in accordance with state law, the proposed replat must receive, in order to be approved, the affirmative vote of at least three-fourths of the Commission or Council members present.

For a petition to be valid:

(1) The petition must be signed by the owners of at least 20 percent of the area of the lots or land immediately adjoining the area covered by the proposed replat and extending 200 feet from that area but within the original subdivision.

(2) The petition must be submitted to the Commission or Council prior to close of the public hearing.

(3) The signatures on the petition must correspond with actual names listed on the most recently approved municipal tax roll.

(4) All protests must be submitted to the Commission or its Secretary and must contain verification by the person submitting the protest of the signatures contained thereon.

2. **Exemptions.** Compliance with Section (b) above is not required for approval of a replat if the area to be replatted was designated or reserved for a use other than single or duplex family residential use by notation on the plat or in the legally recorded restrictions applicable to the plat.

3. **Council Review Required.** If the owners of at least 50 percent of the property in the notification area outlined in Sections (1)(b) and (2) above provide written protest of the request, the replat shall be considered by both the Commission and the Council.

D. **Final Action**



1. **Approval and Filing of Replats.** If the Commission and/or Council approve a replat, it shall be filed of record upon compliance with requirements of this ordinance including compliance with all DRC comments and all conditions of approval.

2. **Denial of Replats.** If the Commission and/or Council determines that the replat does not comply with the requirements of this ordinance, then the replat shall be denied. Failure or refusal to comply with all conditions of approval attached to the replat shall automatically cause the replat to be deemed denied as of the date of its conditional approval.

E. **Revised Preliminary Required for More than Five Lots.** A revised preliminary plat is required for a replat involving five or more lots. The revised preliminary plat shall follow the procedures in Section 3.04.

1. **Requirement May be Waived.** The Planning Director may waive the requirement for a revised preliminary plat when the replat does not change the street right-of-way location or width, does not increase the number of lots, and does not have a substantial effect on City services, drainage or adjacent properties. Upon receipt of such waiver, the applicant shall follow the procedures in Section 3.05.

2. **Area Requirements.** A revised preliminary plat shall include all the area within the limits of the original preliminary plat unless this requirement is specifically waived by the Planning Director.

F. **Lot Size.** Each lot replatted must comply with the minimum regulations of the zoning district in which the lot is located. Lots must conform in width, depth and area to the predominant pattern established by the existing lots located on the same block, having due regard to the character of the area. (Amend Ord 05-044, 6/21/05)

### **Section 3.09    Amended Plats**

A. **Amended Plat Required.** The Planning Director may approve an amended plat if the amended plat is signed by the applicants only and is solely for one or more of the following purposes:

1. To correct error in course or distance; or
2. To add any course or distance that was omitted; or
3. To correct an error in the description of the real property; or
4. To indicate monuments set after death, disability or retirement from practice of the engineer or surveyor charged with responsibility for setting monuments; or
5. To show the location or character of any monument that has been changed or was incorrectly shown; or

6. To correct any other type of scrivener or clerical error or omission including lot numbers, acreage, street names and identification of adjacent recorded plats; or
7. To correct an error in courses and distances of lot lines between two adjacent lots where both lot owners join in the proposed amended plat; neither lot is abolished; the amendment does not attempt to remove recorded covenants or restrictions; and the amendment does not have a material adverse effect on the property rights of the other owners in the plat; or
8. To relocate a lot line in order to cure an inadvertent encroachment of a building improvement on a lot line or on an easement; or
9. To relocate one or more lot lines between one or more adjacent lots where all owners join in the application for the amended plat, provided that the amended plat does not attempt to remove recorded restrictions or covenants and the amendment does not increase the number of lots; or
10. To make necessary changes to the preceding plat to create six or fewer lots in the subdivision or a part of the subdivision covered by the preceding plat if zoning and other regulations are not affected; covenants or restrictions are not removed; and the area is within a residential improvement area; or
11. To replat one or more lots fronting on an existing street if the owners of all those lots join in the application, the amendment does not attempt to remove recorded covenants or restrictions; the amendment does not increase the number of lots, and the amendment does not create or require the creation of a new street or make necessary the extension of municipal facilities.

**B. Submittal Requirements.** All requirements of Section 3.05 *Final Plats Submittal Requirements* shall be satisfied prior to submittal of an amended plat, and the following certification shall be shown on all amended plats:

*"This plat does not increase the number of lots in the previously recorded subdivision nor attempt to alter or remove existing deed restrictions or covenants, if any, on this property."*

Amended plats shall contain a note describing the intent of the amended plat.

**C. Final Action**

1. **Approval and Filing of Amended Plats.** If the Planning Director determines that the amended plat complies with requirements of this ordinance, then the amended plat shall be certified by the required parties and filed of record.

2. **Denial of Amended Plats.** If the Planning Director determines that the amended plat does not comply with the requirements of this ordinance, then the amended plat shall

be denied. The Planning Director shall provide the applicant written notification and explanation of the denial within a reasonable period of time following its submission to the Planning Director.

### **Section 3.10    Vacation of Plat**

#### **A.    Submittal Requirements.** Submittal for vacation of a plat shall include:

1.    The request for vacation of a plat shall include all land area incorporated within the boundary of the plat as filed of record. In plats containing more than one lot, if the ownership of a lot or lots has been transferred or sold, all owners of lots in the plat shall participate in the requested plat vacation.
2.    Completed vacation document form, supplied by the Department of Planning and Development Services, with original signatures of all owners and notaries and identifying the plat to be vacated.
3.    Certification from the franchise utility companies that improvements do or do not exist within the right-of-way or easements to be vacated with the request.

#### **B.    Final Action**

1.    **Approval and Filing of Plat Vacations.** If the Commission approves a plat vacation, it shall be filed of record upon compliance with requirements of this ordinance including compliance with all DRC comments and all conditions of approval.
2.    **Denial of Plat Vacations.** If the Commission determines that the plat vacation does not comply with the requirements of this ordinance, then the plat vacation shall be denied.
3.    **Prior Dedication of Rights-of-way or Easements.** In the event right-of-way and/or easements were dedicated by the plat subject to the vacation, the following procedures shall be used:
  - a.    **No Public Improvements Made.** If no public improvements by the City or franchise utility companies have been constructed within the right-of-way and/or easements, the Commission shall have sole determination upon the plat vacation request.
  - b.    **Public Improvements Have Been Made.** If public improvements by the City or franchise utilities companies do exist within the right-of-way and/or easements dedicated by the plat, the Commission shall have no authority to approve the vacation request until formal abandonments have been approved by Council and franchise utilities.

### **Section 3.11    Abandonment or Adjustment of Right(s)-of-way or Easement(s), Whether Public or Private, by Plat**

A plat application that will alter the location, dimension, or delete a public or private easement must contain an authorization from the appropriate department stating that:

- A. The property owner has complied with the "Administration" Chapter of the Code, Article VII, Streets, Alley and Easement Abandonment;
- B. Any new easement configuration adequately replaces the prior easement configuration; and
- C. If improvements have been made within the existing easement(s), those easement(s) may still be abandoned by plat if those easements are conveyed by appropriate instrument and with concurrence of the affected department(s), and franchise utilities. (Amend Ord 03-051, 4/29/03)

## **ARTICLE IV STREET AND RIGHT-OF-WAY REQUIREMENTS**

### **Section 4.01    Basic Policy**

The following general requirements shall be applied to all plats.

- A. Streets and right-of-way shall conform to the Thoroughfare Development Plan, as amended, the *Design Criteria Manual* and the standards in this ordinance. In addition, several options are acceptable for local streets. The requirements for these options are summarized in the table included in Section 4.16.
- B. An adequate off-site street and thoroughfare system shall be designed and constructed in order to:
  - 1. Provide for streets of suitable location, width, or other improvements to accommodate existing traffic, traffic anticipated from the development and traffic anticipated from other developments impacting the same roadways,
  - 2. Afford satisfactory access to adjoining properties, and
  - 3. Accommodate police, firefighting, sanitation, and street maintenance equipment.
- C. The proposed streets of the development shall be effectively related to the present and future street system and to the development of the surrounding area in order to assure continuity of thoroughfares, coordination of intersections, the limitation of median breaks, and the promotion of livable neighborhoods.
  - 1. The plat shall provide for appropriate continuation or termination of any existing streets, whether constructed or dedicated, which extend to the limits of the proposed subdivision.

2. Adequate provision of access to adjoining lands shall be made.
3. In order to foster livable neighborhoods, local streets and minor collectors internal to a neighborhood shall be designed to discourage traffic from traveling directly through a neighborhood and shall discourage high speeds through neighborhoods.
- D. The developer shall design and construct adequate roadway facilities, whether on-site or off-site.
- E. The developer shall be responsible for all costs associated with meeting the requirements of this Article.

#### **Section 4.02    Adequacy of Offsite Roadway Network Required**

A.    **Adequacy Required.** Prior to plat approval, the City shall determine whether the roadway network serving the development to be platted has adequate capacity to accommodate existing traffic, traffic reasonably anticipated from the development and traffic reasonably anticipated from other developments approved or to be approved within a reasonable period of time. The City's determination shall be based on information provided by the developer in the plat application and supporting studies, unless the study is waived.

##### **B.    Analysis of Adequacy**

1. For any property submitted for platting that meets the criteria contained in Section 4.03, the Department of Public Works shall require that the developer provide, at the developer's expense, a traffic study that analyzes the adequacy of the roadway network to serve the development.
2. Adequate capacity of the roadway network shall be determined as described in the Traffic Study section in Chapter 3 of the *Design Criteria Manual*.

##### **C.    Determination of Adequacy**

1. For developments located within a road benefit area, as defined in the "Impact Fees" Chapter of the City Code, the roadway network shall be deemed adequate if:
  - a. There is sufficient capacity on each existing link and intersection of the network, or
  - b. There is sufficient capacity on each proposed link and intersection of the network in the City's Impact Fee Roadway Improvements Plan, and
  - c. The roadway conditions are adequate for each existing link and intersection of the network.

2. For developments located outside of a road benefit area, the roadway network shall be deemed adequate only if each existing link of the network has sufficient capacity and adequate roadway conditions.

**D. Determination of Inadequacy.** In the event that the traffic study shows a result of a level of service "D", "E" or "F", as defined in the *Highway Capacity Manual*, or the Department of Public Works determines that the off-site roadway network serving the development to be platted is not adequate the following shall be provided:

1. Proposed solutions to transportation problems resulting from the proposal,
2. The degree of local congestion,
3. The availability of alternate routes to service the increased traffic,
4. The degree to which the increased congestion is attributable to the applicant's project.

After the information has been reviewed, the City may do any of the following:

1. Disapprove the plat.
2. Require that development of the property be phased to coordinate the timing of building permits with the provision of adequate capacity.
3. Require the developer, in lieu of denial or phasing of the plat, to construct such off-site and/or onsite improvements to City standards or as otherwise permitted by the Director of Public Works so as to provide adequate capacity for the roadway network. Construction may be required utilizing standards in excess of the Thoroughfare Plan or typical City standards.

#### **Section 4.03    Traffic Study Requirements**

**A. Traffic Study Required.** A traffic study, including a traffic impact analysis shall be required for a plat meeting the following criteria:

1. **Over 5,000 Trips.** A traffic impact analysis shall be required for a development when the expected traffic generation exceeds 5,000 total vehicle trips per day.
2. **Under 5,000 Trips.** Developments expected to generate less than 5,000 trips may be required to submit a traffic impact analysis.
3. **Exemption for less than 500 Trips.** In no event shall a traffic impact analysis be required for developments generating less than 500 trips per day.

4. **Waiver of Traffic Study.** The Director of Public Works may waive the requirement for a traffic study. A written request for a waiver of the traffic study and any supporting documents must be submitted to the Director of Public Works at the time of plat application.

B. **Traffic Study Submittal.** The traffic study shall be prepared in accordance with the Traffic Study Section of Chapter 3 of the *Design Criteria Manual*.

C. **Revisions to Traffic Study.** Prior to forwarding any plat to the Commission, the traffic study shall be accepted by the Department of Public Works. The acceptance of the traffic study will be based on the completeness of the traffic study, the thoroughness of the impact evaluation, and the consistency of the study with the proposed access and development plan.

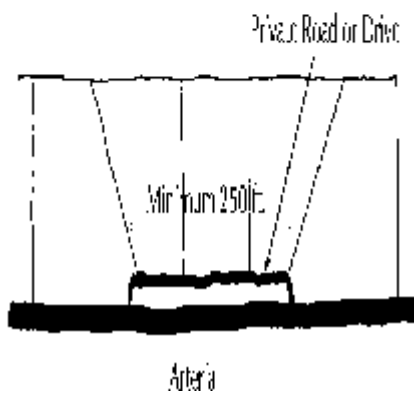
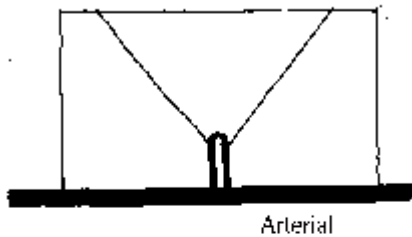
#### **Section 4.04 Requirement for Access to the Street Network**

A. **Acquisition of Access Required.** The developer shall acquire right-of-way and/or necessary easements for and construct any offsite roadways and/or access ways necessary to connect the development with an adequate offsite roadway network.

##### **B. Residential Access Limited**

1. **Arterial Streets.** No single family, townhouse or duplex residential development shall have direct access to an arterial street unless no other means of access is available. In cases where access is permitted, a private access easement adjacent to the thoroughfare may be required. Any lot that has direct access to an arterial street is required to provide head-out egress.

Maximum of 3 Lots unless  
there is a private access or  
driveway adjacent to the  
thoroughfare



2. **Major Collectors.** Single family or duplex residential lots may have direct driveway access to major collectors provided the following development standards are complied with:

- a. Additional lot dimension and setback requirements as outlined in the Zoning Ordinance.
- b. Drive separation a minimum of 240 feet with shared driveways,
- c. Head out egress must be provided.

Single family or duplex residential lots may also access major collectors using private access easements.

C. **Private Access Easements.** Private access easements may be required between and/or across any lots fronting on arterial and major collector streets in order to minimize the total number of access points along those streets, and to facilitate traffic flow between lots. The location and dimensions of the easement shall be determined by the Department of Public Works at the time of platting or development. A note shall be provided on the plat indicating the lots served by the private access easement.



D. **Maintenance of Private Access Easements.** Maintenance of any private access easement is the responsibility of the property owner. When an easement is created by plat, a maintenance note, as approved by the City shall be added to the plat acknowledging maintenance responsibility. This statement shall be accentuated. (Amend Ord 04-015, 1/27/04)

E. **Access Prohibition Lines.** Where a subdivision will abut or contain an existing or proposed arterial, major collector, or frontage road certain segments of the streets may not be suitable for private or public access points to maintain safe and efficient traffic movement. In these cases, access prohibition lines shall be required on the plat, as determined by the Director of Public Works.

F. **Prohibited Turning Movements.** For the benefit of traffic safety and flow on arterial and major collector streets, access points may be required to prohibit certain types of turning movements as determined by the Director of Public Works.

G. **Signalization Required.** Signalization of access points on arterial or collector roadways may be required in order to provide safe and efficient traffic flow. The developer shall be responsible for any design, right-of-way, utility relocation and construction costs required for a traffic signal installation necessitated by a development, as determined by the Director of Public Works. If the need for the signal has not occurred at the time of platting or if, at the time of site development the City determines that construction of the facilities is not feasible, the developer shall make a payment in lieu of construction equal to the developer's share of the construction costs plus estimated engineering costs. Payment shall be made prior to filing the plat.

H. **Adequate Access.** Each residential subdivision shall have at least two constructed points of public ingress and egress, except:

1. When the number of units with one constructed point of street ingress and egress is 30 or less.

2. The Director of Public Works may approve up to 40 units when requested. In evaluating a request, the Director of Public Works shall consider factors including the timing of construction of other public improvements that provide a second point of access, public safety and convenience.

3. The City Council may grant a waiver to these regulations for more than 40 units with one point of access when unique topographic or infill circumstances exist.

I. **Rear Entry Access.** The City may require the developer to provide for rear entry access to lots from a private access easement to benefit traffic safety in areas of higher residential density development.

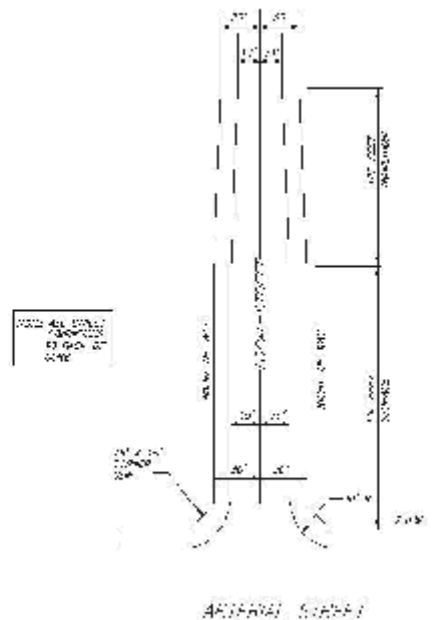
#### **Section 4.05 Street Layout Requirements**

## A. Intersections

1. No street intersecting an arterial or collector street shall vary from a 90 degree angle of intersection by more than 10 degrees.
2. The number of minor collector or local street offsets shall be minimized but, when approved, a minimum centerline offset distance of 125 feet shall be used.
3. There shall be a minimum of 600 feet between intersections of arterials or collector streets.
4. Arterial streets shall be intersected only by collector streets or other arterial streets, unless the only means of ingress and egress to a subdivision is from such arterial street. In this event, the street intersection shall be configured in accordance with Figure 4.05. All costs associated with the construction of this flare configuration shall be borne by the developer.

**Figure 4.05**

### **Local/Arterial Street Transition**



5. Visibility triangles, as required by the *Design Criteria Manual*, shall be provided at the intersection of all public streets.

## B. Street Length

The following standards shall be followed in the design of residential blocks.

1. Block lengths and cul-de-sacs shall be appropriate to the density and type of development as follows:

a. If utilizing residential streets 28 feet in width, the maximum block length shall be 1000-1200 feet with a maximum of 30 lots.

b. If utilizing residential streets less than 28 feet wide, the maximum block length shall be 600-800 feet with no limit on number of lots.

c. If utilizing rural standards, the maximum block length shall be 1000-1200 feet with a maximum of 30 lots.

## 2. **Alternative Block Lengths**

a. The Director of Planning, Director of Public Works and Fire Department may approve alternate block lengths under the following conditions:

(1) Proximity to a railway, expressway, waterway;

(2) Topographic features, or

(3) An infill development with no alternate access.

b. When considering a request, the Director of Planning, the Director of Public Works and Fire Department shall consider the following:

(1) Alternative designs which would reduce block length;

(2) The effect of long blocks on access, congestion and delivery of municipal services; and

(3) Means of mitigation, including, but not limited to mid-block turnarounds, limitation on the number of lots to be created and served, temporary points of access, and additional fire protection measures.

## C. **Curvilinear Design Requirements**

1. **Curvilinear Requirements.** Roadway design shall take advantage of natural site features such as the topography and drainage features. Local and minor collector streets shall be designed with curvature (maximum 800-foot radius) to address all of the following:

a. Fit the road to natural topography,

b. Avoid monotony of lot appearance,

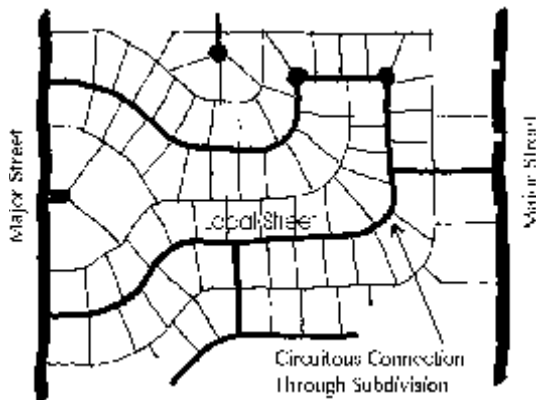
- c. Reduce speeds through neighborhoods, and
- d. Discourage through-traffic intrusions by eliminating straight views from one block to the next.

2. **Alternatives to Curvilinear Requirements.** In lieu of providing curvilinear streets, one or more of the traffic calming measures below may be incorporated into the design of the street to reduce speeds through neighborhoods and discourage through-traffic intrusions.

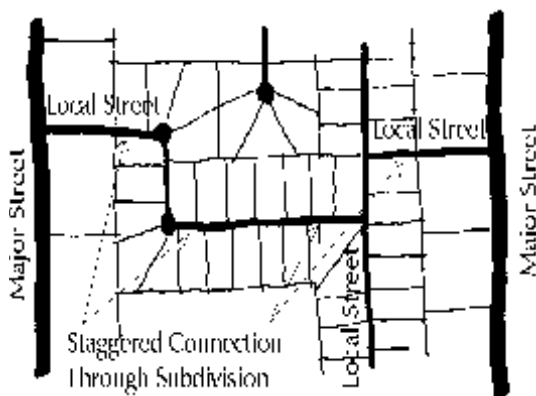
#### D. Traffic Calming Measures

Local and minor collector streets that connect one major collector or arterial to another major collector or arterial are discouraged. However, when site conditions require this configuration, the street shall incorporate one or more of the following design elements:

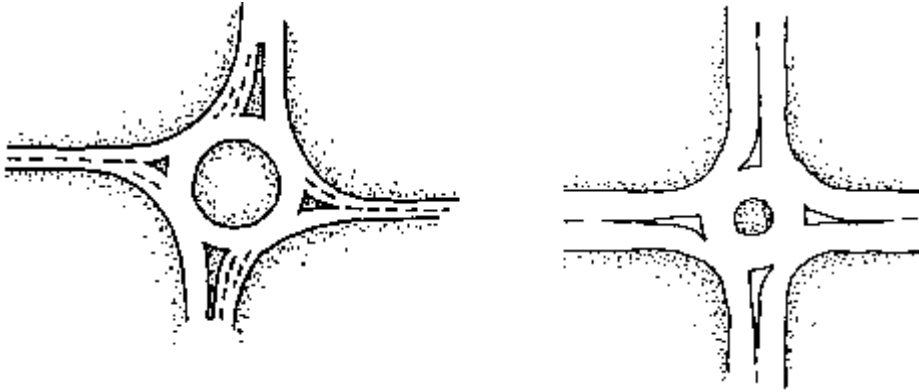
- 1. **Circuitous Through-streets.** Through-streets should be designed so that it is not apparent from either end that the street goes through.



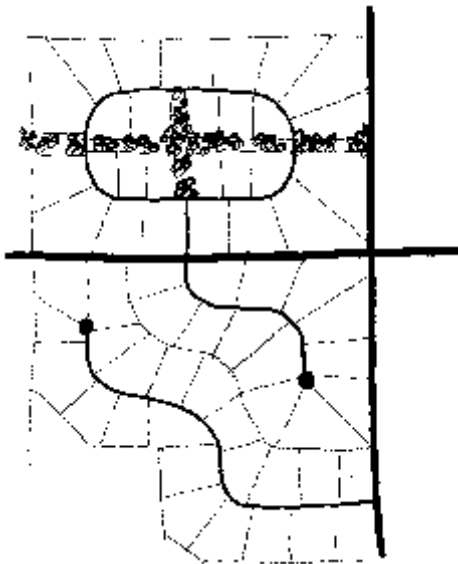
- 2. **Staggering.** Through-streets should be staggered to give the illusion from a distance that a street no longer continues. Staggered streets shall be offset by a minimum of 125 feet from centerline to centerline.



3. **Traffic Circles.** Raised circular islands should be placed in an intersection to reduce speeds and discourage cut-through traffic. Traffic islands shall be landscaped with ground cover and street trees. Landscaping provided in public rights-of-way shall be subject to the *Forestry Landscaping Master Plan Standards Manual*. These designs must be approved by the Department of Public Works and the Fire Department.



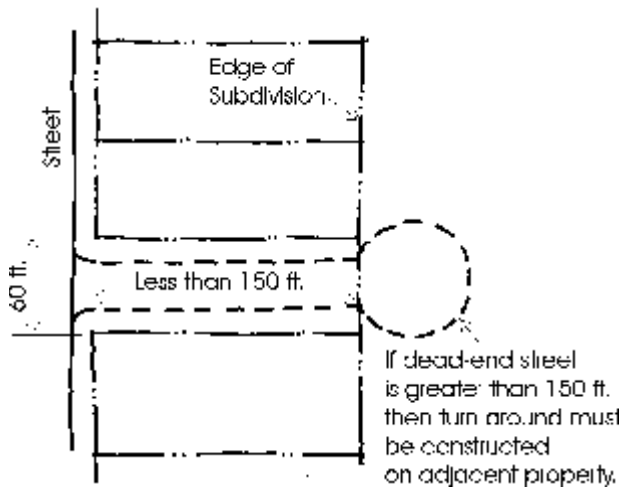
4. **Loop Streets.** Loop streets shall be encouraged in place of cul-de-sacs.



#### E. **Dead End Streets**

1. Dead end streets shall be permitted only where a future extension or connection is anticipated or planned. In such cases, right-of-way dedication and construction of turnaround facilities will be required, at developer's expense, if the dead end is greater than 150 feet measured from the property line. Any turnaround will be considered temporary until the street is extended or a permanent cul-de-sac is constructed. The turnaround may be constructed without curb and gutter but must meet all other design criteria. The turnaround must be constructed off-site, unless the developer is unable to obtain off-site right-of-way. A written request may be forwarded to the Department of

Public Works to construct the turnaround within the limits of the development, with the stipulation that funds will be placed in escrow for the removal of the turnaround and associated improvements, such as mail boxes and sprinkler systems.



2. If the dead end street is less than 150' in length and no lots front the street, 60 feet of right-of-way shall be dedicated and the street will be constructed by the developer adjacent to the subdivision who extends the street as access to the development. Funds will be placed in escrow for the future construction, and a maintenance agreement will be executed for the adjacent property owners within the subdivision to mow. A note will be placed on the plat of record or a maintenance agreement will be filed with D.R.T.C.T. stating that the adjacent lots shall be responsible for the maintenance of the right-of-way. The note or agreement shall also state that the street may be constructed by the developer of the adjacent property.

3. Provisions shall be made for drainage at the ends of dead end streets.

4. When an existing dead end street with temporary turnaround, whether on or off-site, is extended, the developer extending the street shall be responsible for removing the turnaround facilities, constructing the extension or cul-de-sac to the standards in these regulations and restoring the affected area. If funds were placed in escrow for removal expenses, these funds (plus interest) will be provided to the developer extending the street.

5. If the developer chooses not to extend an existing dead end street, then that developer shall provide right-of-way and construct a permanent turnaround. If funds were placed into escrow for the removal of the temporary turnaround, then those funds may be used for the construction of a permanent turnaround. The Director of Public Works may waive the requirement for constructing the turnaround facility. In evaluating such request for waiver, the Director shall consider such factors as the number of lots on the dead end street, public safety and convenience, as well as other factors.

#### **Section 4.06 Street Standards – Horizontal Alignment**

A. The following minimum centerline radii shall be used in the design of all street construction:

<u>Type Street</u>	<u>Minimum Centerline Radius</u>
Arterial	1,000 feet
Major Collector	800 feet
Minor Collector	500 feet
Local Street	As approved by the Director of Public Works
Cul-de-sacs and	50 feet radius to right-of-way
Loop streets	line

B. Reverse curves shall be separated by a tangent section in accordance with the following table:

Minimum Tangent

<u>Type Street</u>	<u>Between Curves</u>
Arterial	200 feet
Major Collector	100 feet
Minor Collector	50 feet
Local	As approved by the Director of Public Works

C. Collector or arterial roadways intersecting other collector/arterial roadways shall have the following minimum horizontal centerline approach tangent section length as measured from the nearest right-of-way line of the intersecting street, unless such requirement is waived by the Director of Public Works:

Minimum

Approach

<u>Type Street</u>	<u>Intersecting With</u>	<u>Tangent</u>
Arterial	Arterial	200 feet
Collector	Arterial	150 feet

Collector Collector 100 feet

#### **Section 4.07 Rights-of-Way Requirements**

A. **Mid-block and Intersection Requirements.** Mid-block and intersection rights-of-way for streets are required as shown in Table 4.07 and the Thoroughfare Development Plan. Refer to the *Design Criteria Manual* for intersection layouts. Right-of-way shall be dedicated to facilitate access ramp and/or signal construction as follows:

1. 10' x 10' clip for local/local street intersections.
2. 80 radius for arterial/arterial intersections and arterial/departure side of major collector street intersections. See *Design Criteria Manual* for layout.
3. 15' x 15' clip for all other intersections.

#### **TABLE 4.07**

##### **Required Right-of-Way Widths**

Example: To determine the right-of-way width at the intersection of a principal arterial (7-lane) and a major collector, read down the "SUBJECT STREET CLASSIFICATION" to "Arterial, Principal (7- Lane)" and then across the row to the "Intersecting Street Classification" column labeled "Collector, Major." The intersection width of the principal arterial is noted in the lower left of the intersection box (110') and the width of the major collector is noted in the upper right of the intersection box (80').

For local streets, the right-of-way can vary depending on the standards utilized as shown below:

<u>Pavement Width</u>	<u>Right-of-Way Width</u>
28 feet (curb & gutter)	50 feet
24 feet (curb & gutter)	46 feet
22 feet (curb & gutter)	44 feet
28 feet (rural design)	60 feet plus 10 feet drainage easement on each side

A rural design for a local street includes 28 feet of pavement with no curb and gutter. This standard shall only be used in residential developments with lots greater than one acre.

Right-of-way for all local streets shall flare to 60 feet at intersections with any arterial street.



For the 24 feet or 22 feet local standards, hydrant bulb-outs shall be designed to accommodate fire apparatus. The right-of-way for the bulb-outs shall be dedicated on the plat.

B. **Cul-de-sacs.** A cul-de-sac shall have a 50 foot right-of-way radius.

C. **Access Easements.** The minimum width of a private access easement shall be 20 feet. The easement shall be increased to 24 feet when it functions as a required fire lane. For 24 foot and 22 foot local standards, private access easements are required to provide rear access to residential lots. For this use, the private access easement width may be reduced with concurrence from the Department of Public Works.

#### **Section 4.08    Other Access Ways**

##### **A.    Sidewalks**

1. **Non-residential and Multifamily Uses.** The developer shall install sidewalks on all public street frontages within and abutting the development except where the sidewalk will not be a part of an interconnected system, as determined by the Director of Public Works.

2. **Other Residential Uses.** Unless the Director of Public Works approves a waiver, sidewalks shall be installed prior to final inspection by the Planning Department. Sidewalks are not required for the local rural standard or cul-de-sacs. The developer may petition for a determination by the Director of Public Works that such construction is either not feasible at the time of development for engineering reasons or inappropriate due to the nature of the construction project.

3. **Standards.** Sidewalks shall be built in accordance with the *Design Criteria Manual*.

B. **Walkways.** The minimum width of an easement for a public walkway shall be 15 feet. Walkways are typically sidewalks constructed between lots, not adjacent to roadways. Walkways may be required to provide access to schools, parks, playgrounds or nearby roads.

C. **Bikeways.** Bikeways shall be designed and built in accordance with the American Association of State and Highway Transportation Officials (AASHTO) design standards, the *Veloweb Plan*, the North Central Texas Council of Governments Regional Plan, and the Thoroughfare Development Plan.

D. **Easements.** The developer may, at his own option, choose to provide additional private access easements for sidewalks, walkways or bikeways. Construction and maintenance of these private access easements will be the responsibility of the developer and/or subsequent owners.

#### **Section 4.09    Development Requirements**

A.    **State Roadways.** The developer may be required to construct curbs, gutters and sidewalks to the City's requirements on developments abutting roadways designated as state highways, or right-of-way or land owned by the State. The developer may petition for a determination by the Director of Public Works that such construction is either not feasible at the time of development for engineering reasons or inappropriate due to the nature of the construction project. If it is determined the construction is not feasible or is inappropriate, funds shall be placed in escrow for the design and construction of the facilities. The escrow shall not be refundable.

B.    **Coordination with Planned Street Projects.** Where a development will abut an existing street for which construction plans have been prepared for future improvements, the development shall coordinate with the construction plans. If the developer requests an alteration to the construction plans, and the City agrees to such alteration, the developer shall pay to revise the plans as necessary and any increased construction costs.

#### **Section 4.10    City Participation and Reimbursement**

The City may participate in the costs of designing and constructing roadway facilities included on the Thoroughfare Development Plan, in excess of the developer's responsibility to provide adequate roadway facilities. The process for requesting participation is included in Chapter 3 of the *Design Criteria Manual*.

#### **Section 4.11    Payment Requirements**

A.    **Payment May be Collected.** Upon the developer's request to defer construction of required improvements, a payment in lieu of construction may be collected for required improvements, such as turn lanes, sidewalks, signals, street lights, street markers, or other related improvements.

B.    **Site Required Facilities.** The Director of Public Works may agree to defer construction of required improvements and accept payment when construction of the required improvements is not feasible at the time of development. The payment amount shall be estimated based on the total estimated cost of design, utility relocation and construction of the improvements unless otherwise specified in this section.

C.    **Easements Required.** The developer shall provide the right-of-way/easements even if construction is determined not to be feasible and payment is accepted.

#### **D.    Street Lighting**

1.    Street lights along state highways, arterials and major collectors contained on the City's Thoroughfare Development Plan are non-site related facilities. The developer shall not be responsible for the installation costs of street lights on these streets.

2. If the developer is responsible for constructing arterials or major collectors for access, the developer shall also be responsible for installation of street lights on those roadways.
3. Street lights along internal local streets and minor collectors and their intersections with perimeter roadways are considered to be site-related facilities. The developer shall be responsible for 100 percent of the installation costs of such street lights on public streets.
4. On perimeter public streets which are designated as local or minor collector streets, the developer shall be responsible for 50 percent of the installation costs as described for internal streets.
5. Upon submission of a final plat, the City will provide the developer with an estimate of the cost of onsite street lighting associated with the plat. The developer will be required to pay the developer's share of the total estimated construction cost, plus nine percent for design and inspection. Payment is required before the plat is accepted for filing. The City will utilize the funds toward streetlight improvements unless an agreement is executed prior to filing the plat. The City's "Standard Specifications for Street Lighting" and the current bid prices for the City's Street Light Maintenance and Construction Contract will be used to determine the amount of escrow. For items not included in the Street Light Maintenance and Construction Contract, the City's latest Construction Contract for street light installation will be used to establish the estimate.

If the plat is filed incrementally, a pro rata share (based on street frontage per the City's "Standard Specifications for Street Lighting") of the funds will be paid to address the increment of the plat to be filed. If construction of the development will be phased, the developer may enter into an agreement as approved by the Director of Public Works allowing payment of street lights escrowed by phase.

6. In the event that costs for the final design, inspection and construction of the street lights exceed the funds paid to the City, the developer will be responsible for remitting the difference to the City prior to the issuance of any remaining building permits within the subdivision. A request for additional funds will be forwarded to the developer by the Department of Public Works. No Certificate of Occupancy will be issued or final inspection performed for any building on any lot included within the development until payment is made. If the final design, inspection and construction costs are less than the funds escrowed with the City, the City will return the excess funds upon the written request of the developer to the Director of Public Works. The obligations and responsibilities delegated to the developer herein shall become those of the developer's transferees, successors and assigns, and the liability therefore shall be joint and several.

E. **Street Markers.** The developer is responsible for the cost of all street markers by payment of a fee, as set by City Council resolution, for all standard type street markers necessary for a development.

#### **Section 4.12    Contract Policies and Procedures**

Standard three-party contracts executed by the contractor, the developer and the City are required for all public street construction. The contracts also include 2-year maintenance bonds, performance bond, payment bond, insurance and other requirements and fees as detailed in the *Design Criteria Manual*.

#### **Section 4.13    Ownership and Maintenance**

All public facilities constructed within dedicated public rights-of-way or public easements shall be and shall remain the property of the City and, after expiration of the maintenance bonds, shall be maintained by the City.

#### **Section 4.14    Private Streets**

A.    **Design and Construction Requirements.** Private street widths, cross-sections and design criteria shall comply with City standards and shall meet the minimum construction standards for public streets. If the development will be gated, it must comply with the Gated Entry Guidelines in the *Design Criteria Manual*.

B.    **Streets Excluded.** Streets shown on the Thoroughfare Development Plan shall not be used, maintained or constructed as private streets. In addition, the Commission may deny the creation of any other private street if, in the Commission's judgment, the private street would have any of the following effects:

1.    Negatively affect traffic circulation on public streets;
2.    Impair access to property either on-site or off-site to the subdivision;
3.    Impair access to or from public facilities including schools, parks and libraries; or
4.    Delay the response time of emergency vehicles.

C.    **Separate Lot Required.** Private streets shall be constructed within a separate lot owned by the property owners' association. This lot must conform to the City's standards for public street and right-of-way. An easement covering the street lot shall be granted to the City providing unrestricted use and maintenance of the property for utilities. This right shall extend to all utility providers including telecommunication companies, operating within the City. The easement shall also provide the City with the right of access for any purpose related to the exercise of a governmental service or function, including but not limited to, fire and police protection, inspection and code enforcement. The easement shall permit the City to remove any vehicle or obstacle within the street lot that impairs emergency access.

D.    **Cost of Private Streets.** The City shall not pay for any portion of the cost of constructing or maintaining a private street.

E. **Inspections.** Inspections of private streets shall be performed by the City at the developer's cost or by a third party in accordance with requirements outlined in the *Design Criteria Manual*.

F. **Maintenance.** Developments with private streets shall have a mandatory property owners association which includes all property served by private streets to ensure maintenance of the private street as outlined in Section 3.02.

G. **Waiver of Services.** The subdivision's filed plat, property deeds and property owner association documents shall note that certain City services shall not be provided on private streets. Among the services that will not be provided are: street maintenance, routine police patrols, enforcement of traffic and parking ordinances and preparation of accident reports. Depending on the characteristics of the proposed development other services may not be provided.

#### **Section 4.15 Street Names**

The developer shall name streets in conformance with the following:

A. Proposed street names shall be substantially different in sound and spelling from existing street names in the City and the City's extraterritorial jurisdiction.

B. If a new street is a direct or logical extension of an existing street, the existing street name shall be used.

C. All proposed street names shall be approved by the Director of Public Works.

D. Street names shall be no more than 14 characters including spaces, excluding the suffix.

#### **Section 4.16 Local Street Standards**

Alternative street designs may be allowed within accordance with the following table or the approval of the Departments of Planning, Public Works and Fire if an adequate level of service is still provided by the proposed design. There shall be no waivers from construction specifications.

##### **Local Street Width**

		<b>Rural (1 acre lots)</b>		
	28 ft	28 ft	24 ft	22 ft
On-street Parking	Allowed Both Sides	None Allowed	Allowed on One Side Only	None Allowed
<b>Alleys (Private Access)</b>	Allowed	Allowed	Required	Required

**Easements)**

<b>Maximum Block Length</b>	1000 to 1200 ft, maximum of 30 lots, or DOT approval		600 to 800 feet with no maximum number of lots per block	
<b>Hydrant Bulb-out</b>	Allowed	Allowed	Required	Required
<b>Minimum Turning Radii</b>	20 ft	20 ft	20 ft	20 ft
<b>Mountable Curb and Gutter (must have Parkway)</b>	Allowed	Bar ditches and streets without curbs allowed in lieu of curb and gutter	Required	Required
<b>Residential Fire Sprinklers</b>	Allowed	Allowed	Allowed	Required: Fire Department may grant a waiver if other means of access, increased turning radii and additional hydrants are provided.
<b>Street Lights</b>	Required	Allowed	Required	Required
<b>R.O.W./Access Easements</b>	50 ft	60 ft + 10 ft on each side for drainage easement	46 ft	44 ft
<b>Sidewalks</b>	Required:  Minimum width of 4 feet required on both sides of street with minimum parkway width of 5 feet. However, no sidewalk requirement on cul-de-sacs, and the developer also has the option to obtain a waiver letter.	Allowed	Required:  Minimum width of 4 feet required on both sides of street with minimum parkway width of 5 feet.	Required:  Minimum width of 4 feet required on both sides of street with minimum parkway width of 5 feet.

(Amend Ord 03-051, 4/29/03)

## ARTICLE V DRAINAGE AND ENVIRONMENTAL STANDARDS

### **Section 5.01    Drainage and Storm Water Management Policies**

A.    **Adequate Facilities.** Where it is anticipated that runoff incident to the development of the subdivision will exceed the capacity of an existing downstream drainage feature and result in hazardous conditions (defined as primarily, but not limited to, the flooding of habitable structures), the Commission and/or City Council may deny approval of the plat if plans for mitigation have not been accepted by the City. Mitigation plans shall be provided which include, but are not limited to, all necessary on-site and off-site improvements including storage, storm sewer systems, channel modifications, driveway adjustments, and culvert improvements. The mitigation construction shall be completed prior to the issuance of building permits. The City may accept the phasing of development. (Amend Ord 04-015, 1/27/04)

B.    **Developer Responsibility.** The developer shall be responsible for all storm drainage flowing to, through, and from the property. This responsibility includes the drainage directed to that property by prior development as well as drainage naturally flowing through the property by reason of topography. The developer shall pay for the cost of all on-site and off-site drainage improvements, features to mitigate negative effects on water quality, and the dedication of necessary drainage easements.

C.    **Easements.** Drainage easements shall be dedicated for public drainage features in accordance with requirements of Section 5.03 of this ordinance. Drainage easements and features shall be included as a portion of buildable (habitable structure) lot(s) and not as a lot by itself unless specifically authorized by the Director of Public Works for larger development related features. If a large development related feature is proposed on a separate lot, a mandatory property owner's association is required.

Generally, public drainage features cross property lines, collect runoff from adjacent properties or are located in public street rights-of-way. Drainage features that do not meet these criteria may be considered private and maintained by the owner. Private drainage easements shall be dedicated on the plat for all private drainage features.

D.    **Storm Water Quality.** Designs for new development shall manage storm water in a manner that protects water quality by addressing the development's potential to cause erosion, pollution, siltation, and sedimentation in the MS4 and natural creeks. The goal is to maintain after development, to the maximum extent practicable, the predevelopment characteristics in the natural creek that ultimately receives storm water runoff from the development. It is the developer's responsibility to ensure that designs for new development meet the storm water management requirements in the General Permit for Storm Water Discharges from Construction Activities issued by the Environmental Protection Agency or in the future, the Texas Commission on Environmental Quality and its successor agencies. This permit includes the requirement for measures that will be

installed during construction to control pollutants in storm water discharges after construction operations have been completed.

E. **Storm Water Runoff.** Storm water runoff shall be calculated anticipating a fully developed watershed. The comprehensive plan, existing land use, and zoning maps shall be used to determine fully developed conditions. The Director of Public Works reserves the right to review the determination of fully developed conditions and may require revisions.

F. **Conveyance of Development Runoff.** Where drainage features such as storm drainage systems, ditches, channels, and natural creeks are reasonably available to receive runoff, the runoff for the design frequency storm shall be collected on-site and conveyed in a storm sewer system to the existing feature.

G. **Positive Overflow.** Positive overflow means that flow greater than the design frequency storm will be conveyed by a secondary drainage feature without flooding structures. Streets are designed to carry a specified quantity of storm water within the right-of-way according to the street classification. At sump locations or slope limitations where the storm water will leave the right-of-way, a positive overflow path shall be provided. The positive overflow path shall be a concrete flume or other permanent facility authorized by the Director of Public Works with a minimum width of four feet. A drainage easement shall be dedicated between lots at or near the low point in the street to allow for positive overflow systems. The Director of Public Works may allow alternative designs.

H. **Minimum Finish Floor Elevations.** The Director of Public Works may require minimum finish floor elevations (MFF) to provide flood protection on certain lots contained within the subdivision. The MFFs shall be shown on the plat. These elevations shall incorporate the most current floodplain management criteria or other criteria as necessary to avoid damages. The minimum finish floor elevation shall be two feet above the fully developed 100-year water surface elevation where the MFF is associated with a natural creek or open channel. When the MFF is necessitated by situations other than a natural creek or open channel, the MFF shall be set by the developer's engineer and agreed upon by the City.

The following note or an amended version appropriate to the specific plat shall be added to any plat upon which the Director of Public Works requires the establishment of minimum finish floor elevations:

*"The City of Arlington reserves the right to require minimum finish floor elevations on any lot contained within this addition. The minimum elevations shown are based on the most current information available at the time the plat is filed and may be subject to change. Additional lots, other than those shown, may also be subject to minimum finish floor criteria."*



## I. Off-site Drainage

1. The developer shall evaluate how the discharge leaving the proposed development will affect downstream structures, features, and property, including but not limited to, flooding, stream channel stability, and water quality.

2. When any proposed development requires off-site grading where storm water runoff has been collected or concentrated, it shall not be permitted to drain onto adjacent property except in existing creeks, channels, storm sewers or streets unless one of the following is provided:

a. **Notarized Letter of Permission.** The letter shall state that the permission shall bind the owner of the affected property and be a covenant running with the land. It shall also refer to the plans for the improvements creating the need for the permission. The letter shall be filed with D.R.T.C.T.

b. **Drainage easement.** The drainage easement shall be dedicated for drainage features and shall be of a width sufficient to comply with the criteria outlined in these Subdivision Regulations.

3. In the event the developer cannot obtain a notarized Letter of Permission or a drainage easement, the developer shall provide the City with documentation of all efforts, including evidence of a reasonable offer made to the affected property owner, and one of the following:

a. **A written request for assistance.** The City may pursue acquisition of these easements through negotiations. If the negotiations are unsuccessful, the request may, at the developer's option, be submitted to City Council for consideration of acquisition through eminent domain. Any expenses, including staff time, incurred by the City to acquire or attempt to acquire an easement shall be paid by the developer.

b. **A notarized letter.** With the concurrence of the Director of Public Works, the developer may execute a notarized letter stating the developer shall save and hold harmless the City of Arlington from any and all claims or suits for damage arising out of concentrations of flow. The letter shall be in a form approved by the City Attorney.

## Section 5.02 General Requirements

A. **Pre-Application Conference.** A pre-application conference shall be held prior to submitting a development that is greater than one acre. The conference shall be used to identify potential negative effects of the proposed development on storm water quantity and quality and identify permanent design features to mitigate these effects. The design features shall comply with the Best Management Practice standards as outlined in the *Design Criteria Manual* and shall be shown on the Storm Water Management Site Plan (SWMSP). The SWMSP addresses the long-term effects of development on storm water quantity and quality. Temporary effects of construction on storm water quality are

addressed with the Storm Water Pollution Prevention Plan that is submitted with the construction plans. (Amend Ord 04-015, 1/27/04)

**B. Preliminary Storm Water Management Site Plan.**

1. A preliminary storm water management site plan (SWMSP) shall be prepared for all developments of 12,000 square feet or more. A site plan will be accepted in lieu of a preliminary SWMSP if the site plan shows development will create less than 5,000 square feet of impervious surface. (Amend Ord 04-015, 1/27/04)

2. The preliminary SWMSP shall be prepared in coordination with the preliminary drainage plan on all projects where both are required. The preliminary SWMSP and the preliminary drainage plan may be shown on the same sheet. When a preliminary drainage plan is not required, the preliminary SWMSP shall indicate the existing drainage patterns and runoff coefficients and the proposed changes to these items.

3. The preliminary SWMSP must comply with the standards and criteria outlined in this ordinance, the *Design Criteria Manual*, and the Storm Water Pollution Control Ordinance. The plan may satisfy the storm water management portion of the Storm Water Pollution Prevention Plan (SWPPP) that is required for construction activities. However, the SWMSP is not a substitution for the SWPPP. The City's review of the preliminary SWMSP does not constitute acceptance of the final SWMSP or the final development plans.

4. The developer shall provide a preliminary SWMSP for the area proposed for development. For amended plats or plats with a previously accepted preliminary SWMSP, the accepted preliminary SWMSP shall be enforced unless a revised preliminary SWMSP is required.

5. One paper copy of the preliminary SWMSP plan shall be submitted with the submittal of a development for review and acceptance. The plan shall be labeled as "Preliminary." Upon acceptance of the plan, one paper copy and one reproducible vellum copy of the plan shall be signed, sealed, and dated by the engineer, or shall be signed and dated and contain a statement affirming the plan was prepared under the direction of the engineer signing the plan and that the plan is preliminary. (Amend Ord 04-015, 1/27/04)

6. The preliminary SWMSP is a guide for design of the final development plans. It shall include the site layout, design features, and Best Management Practices agreed upon at the pre-application conference. At a minimum, the plan shall be prepared at a scale not smaller than one inch equals 200 feet and shall include the following:

a. Existing and proposed topography as shown by contour lines on two feet vertical intervals. The Director of Public Works may require smaller vertical intervals if the shape of the terrain warrants. The datum shall be NAVD88.

b. Identification of existing features, such as channels, known historic resources, approximate limits of suspected jurisdictional waters, the approximate limits of tree canopies, and any other features that may affect storm water quality.

c. Design features (Best Management Practices) to mitigate the negative effects of development on storm water quality and quantity.

d. Sufficient documentation and calculations, based on requirements of the *Design Criteria Manual*, to support the number and selection of Best Management Practices.

**C. Preliminary Drainage Plan.** This plan shall show the watershed affecting the development and how the runoff from the fully-developed watershed will be conveyed to, through, and from the development. It must comply with the standards outlined in these Subdivision Regulations and the drainage design criteria found in the *Design Criteria Manual*. The preliminary drainage plan is a guide for the detailed drainage design. The review of the preliminary drainage plan does not constitute final drainage plan approval or authorize a variance to these Subdivision Regulations.

1. For any property involved in the development process, a preliminary drainage plan shall be provided, at the developer's expense, for the area proposed for development. For property with a previously accepted preliminary drainage plan, the accepted preliminary drainage plan may be submitted and enforced unless a revised preliminary drainage plan is required by the City due to lot reconfiguration or other conditions created by the new plat. The Director of Public Works may waive the requirement for a preliminary drainage plan if the submitted plat is not anticipated to cause any significant change in runoff characteristics from a previously accepted drainage study. If the applicant requests a waiver in writing, a copy of the plan shall be provided.

2. One paper copy of the preliminary drainage plan shall be submitted with the submittal of a preliminary plat, combination plat, replat, or minor plat for review and acceptance. The plan shall be labeled as "Preliminary." The plan shall be signed, sealed, and dated by the engineer.

3. The preliminary drainage plan shall be prepared at a scale not smaller than one inch equals 200 feet and shall include the following:

a. Existing topography as shown by contour lines on two feet vertical intervals. The Director of Public Works may require smaller vertical intervals if the shape of the terrain warrants. The datum shall be NAVD88.

b. The boundary and size of each drainage area within and contributing to the property being platted shall be shown. The outline of drainage areas shall follow actual drainage features. Consideration shall be given to existing or anticipated features as modified by development.

c. The size and type of existing and proposed drainage facilities for both on-site and off-site facilities.

d. Proposed contours and flow arrows for each lot shall clearly indicate where and how the flow from drainage areas will be conveyed or intercepted.

e. Sufficient design calculations based on the criteria in the *Design Criteria Manual*, supporting the preliminary sizes and locations of drainage areas, facilities, and easements.

#### **D. Floodplain Development Requirements**

1. **Floodway Fringe or Floodplain.** When a natural creek is preserved and has a floodplain designation shown on the effective Flood Insurance Rate Map (FIRM), the 100-year floodplain (base flood) boundaries of the FIRM shall be shown on the filed plat.

2. **Floodway.** When a proposed project affects or modifies the floodway as defined in the Flood Hazards Ordinance, a report in the form of a CLOMR is required. Approval from FEMA of the CLOMR is required prior to filing a plat containing the floodway area. Upon completion of the infrastructure improvements, a LOMR shall be submitted to FEMA prior to building permits being issued. The LOMR shall be issued by FEMA prior to the issuance of a Certificate of Occupancy or final inspection being made for any building.

E. **Plat Requirements.** Prior to filing a plat with Tarrant County, sufficient information shall be submitted to and accepted by the Department of Public Works to verify the location and size of all drainage easements, minimum finish floor elevations, and design features to be used as Best Management Practices. The drainage easements shall be tied to the property corners of affected lots.

F. **Final Plan Requirements.** The developer shall provide complete final plans and specifications for the drainage facilities and SWMSP. Criteria for the design of these facilities are found in the *Design Criteria Manual*. When Article VII of the Subdivision Rules and Regulations is applicable, storm drainage plans shall be coordinated with the Parks and Recreation Department.

#### **Section 5.03 Drainage Features**

A. **Storm Water Conveyance.** The three types of runoff conveyance features are natural creeks, closed systems, and improved open channels. The *Design Criteria Manual* contains specific criteria regarding the design of the drainage features.

1. **Natural Creeks.** Natural creeks shall be preserved unless it is determined by the Director of Public Works that it is not feasible to leave the creek in its natural state. In order to assist in this determination, the following are required:

a. **Report.** A hydrologic and hydraulic report is required to establish the 25- and 100-year water surface profiles. The requirements for the report are outlined in the *Design Criteria Manual*.

b. **Easement.** Drainage easements shall be dedicated as outlined in the *Design Criteria Manual*.

c. **Erosion Clear Zone (ECZ).** No portion of any building, pavement surface, fence, wall, swimming pool, or other structure shall be located or constructed within the ECZ. The ECZ shall be shown, labeled, and described by metes and bounds on the plat when the ECZ lies outside the drainage easement. One of the following shall apply:

(1) When a line is projected from the toe of the slope of the bank of the natural creek on a three horizontal to one vertical slope to the natural ground surface

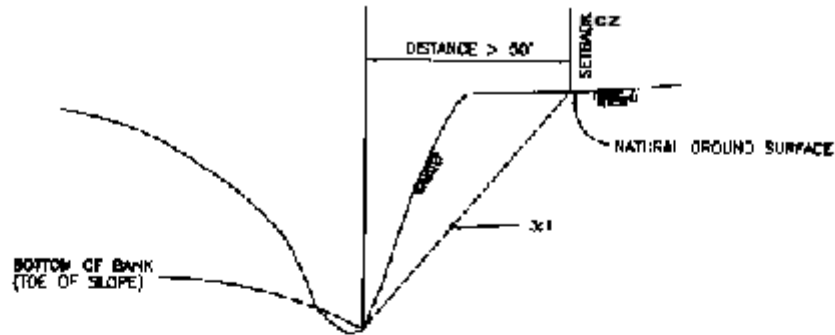
(a) If the resulting intersecting line is greater than 50 feet horizontally from the toe of the natural bank, the ECZ shall be located at the intersection point. This is illustrated in Exhibit V-1, Figure 1, *Deep Depth Creeks*.

(b) If the resulting intersecting line is at least 40 feet, but less than 50 feet horizontally from the toe of the natural bank, additional footage shall be added to the requirements, so that a total of 50 feet measured horizontally from the toe of the bank is in the setback. This is illustrated in Exhibit V-1, Figure 2, *Medium Depth Creeks*.

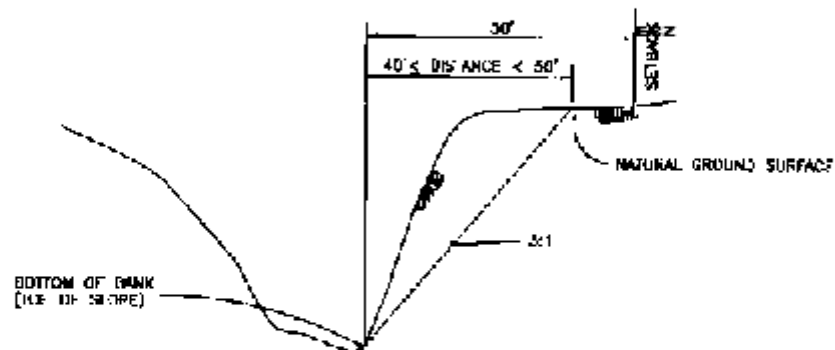
(c) If the resulting intersecting line is less than 40 feet horizontally from the toe of the natural bank, an additional 10 feet shall be added to the requirements. This is illustrated in Exhibit V-1, Figure 3, *Shallow Depth Creeks*.

(2) In lieu of an ECZ, the developer may submit a plan to stabilize and protect the banks of the creek. The plan shall be submitted to the Director of Public Works and shall be accepted prior to filing the plat.

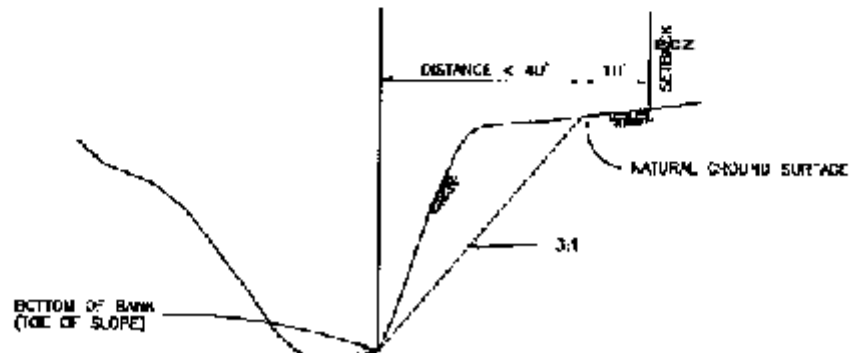
## EXHIBIT V-1



**DEEP DEPTH CREEKS (FIGURE 1)**



**MEDIUM DEPTH CREEKS (FIGURE 2)**



**SHALLOW DEPTH CREEKS (FIGURE 3)**

d. **Creek Buffer Zone.** Except as noted below, no building, pool, or other structure shall be constructed within the creek buffer zone. The following shall apply:

(1) The limits of the creek buffer zone on each side of the creek shall be 25 feet, measured from the top of bank of the creek perpendicular away from the creek.

When the creek buffer zone lies outside the drainage easement, it shall be shown, labeled, and described by metes and bounds on the plat.

(2) Only the following facilities may be allowed in the creek buffer zone:

(a) Facilities transverse to the creek, such as railroads, streets, bridges, and utilities.

(b) Park amenities, such as trails, playgrounds, and benches.

(3) Overland flow shall be maintained as sheet flow within the creek buffer zone.

e. **Erosion Protection.** Where natural creeks connect to improved systems, permanent transitional materials shall be required. Additionally, in areas along the natural creek where excessive erosion may occur, grade control structures, drop structures, or other structures may be required to stabilize the channel and flowline.

f. **Maintenance Statement.** When an easement is dedicated for a natural creek by plat, a maintenance note as approved by the City shall be placed on the plat acknowledging maintenance responsibility by the property owner. This statement shall be accentuated. If the easement is created by separate instrument, a maintenance statement shall be included to provide for the continuing maintenance of the natural creek and associated easement by the property owner. (Amend Ord 04-015, 1/27/04)

g. **Maintenance.** The following shall apply to natural creeks.

(1) The City is not responsible for any maintenance or cleaning of the natural creek.

(2) The property owner is responsible for maintenance of any modifications and cleaning of the creek.

2. **Closed Systems.** Once storm water is collected or concentrated and is not conveyed in a natural creek, a closed system shall be used when the flow can be carried in a 60-inch diameter pipe or smaller. The closed system shall be connected to an existing system or extended until it reaches an open channel or natural creek. Alternative designs shall be approved by the Director of Public Works.

a. **Easement.** Drainage easements shall be dedicated as outlined in the *Design Criteria Manual*.

b. **Erosion Protection.** Where closed systems connect to natural creeks or improved open channels, end sections and/or transitional materials are required for erosion protection.

c. **Maintenance.** The City will maintain only the drainage improvements within the drainage easement. Any other improvements or maintenance, including driveways or driveway culverts, shall be the responsibility of the property owner.

3. **Improved Open Channels.** The improved open channel may be used when a natural creek is not feasible and flow cannot be carried in a 60" pipe. An improved open channel shall be lined with reinforced concrete except when the Director of Public Works approves the use of one or more of the following: gabions, pre-cast concrete block, native stone, vegetation, bio-engineered systems, or equivalent erosion control devices.

The following requirements shall be met.

a. **Report.** A hydrologic and hydraulic report is required to establish the 25- and 100-year water surface profiles. The requirements for the report are outlined in the *Design Criteria Manual*.

b. **Easement.** Drainage easements shall be dedicated as outlined in the *Design Criteria Manual*.

c. **Channel Buffer Zone.** A channel buffer zone is required for improved open channels when constructed with porous materials or when the channel is vegetated.

(1) The limits of the channel buffer zone on each side of the channel shall be 10 feet, measured from the top of bank of the channel perpendicular away from the channel. When the channel buffer zone lies outside the drainage easement, it shall be shown, labeled, and described by metes and bounds on the plat.

(2) Only the following facilities may be allowed in the channel buffer zone:

(a) Facilities transverse to the creek, such as railroads, streets, bridges, and utilities.

(b) Park amenities, such as trails, playgrounds, and benches.

(3) Overland flow should be maintained as sheet flow within the channel buffer zone.

d. **Erosion Prevention.** A transition material is required when the channel connects to a natural creek or closed system. The transition downstream of outfalls shall be shaped and/or lined to the point that flow velocities from the outfall and the channel are non-erosive.

e. **Maintenance Statement.** When an easement for an improved open channel, other than concrete lined or gabion lined, is dedicated by plat, a maintenance note as approved by the City shall be placed on the plat acknowledging maintenance responsibility by the property owner. This statement shall be accentuated. If the easement is created by



separate instrument, a maintenance statement shall be included to provide for the continuing maintenance of the open channel and associated easement by the property owner. (Amend Ord 04-015, 1/27/04)

f. **Maintenance.** The City will only maintain concrete or gabion public drainage improvements within the drainage easement. Private improvements and channels constructed of other materials within the easement shall be maintained by the owner.

## **B. Storm Water Mitigation**

1. Storm water storage shall be designed and constructed with any development located in an area where any of the following situations exist:

a. The release rate of storm water runoff from the proposed development exceeds the capacity of the existing downstream drainage system.

b. The development will create structural (building) flooding or significantly worsen known structural (building) flooding.

The storage shall be evaluated for the 5-, 25-, and 100-year storm events.

2. In lieu of the storage, the developer may:

a. Employ an engineer to document that the excess flow will not be detrimental or hazardous to structures (buildings), vehicular traffic, or pedestrian traffic.

b. Elect to design and construct a facility that will mitigate any hazardous condition or habitable structure flooding.

3. **Maintenance.** The City will not maintain any portion of the storm water storage facility.

4. **Maintenance Statement.** When an easement for these features is dedicated by plat, a maintenance note as approved by the City shall be placed on the plat acknowledging maintenance responsibility by the property owner. This statement shall be accentuated. If the easement is created by separate instrument, a maintenance statement shall be included to provide for the continuing maintenance of the features and associated easement by the property owner. (Amend Ord 04-015, 1/27/04)

5. **Easement.** The easement dedicated for storm water storage shall be included as a portion of buildable lot(s) and not by itself unless specifically authorized by the Director of Public Works. The easement shall contain the design storm plus one foot of freeboard.

## **Section 5.04 Contract Policies and Procedures**

Standard three-party contracts executed by the contractor, the developer and the City are required for all public drainage construction. The contracts also include 2-year maintenance bonds, performance bond, payment bond, insurance and other requirements and fees as detailed in the *Design Criteria Manual*.

#### **Section 5.05    Ownership and Maintenance**

All public facilities constructed within dedicated public rights-of-way or public easements shall be and shall remain the property of the City and, after expiration of the maintenance bonds, shall be maintained by the City. (Amend Ord 03-051, 4/29/03)

### **ARTICLE VI WATER AND SANITARY SEWER REQUIREMENTS**

#### **Section 6.01    Basic Policy**

A.    **Adequate Utility Systems Required.** Subdivisions within the City of Arlington and its extraterritorial jurisdiction shall be provided with an approved water supply and distribution system and with an approved sewage collection and disposal system. An adequate water supply and distribution system and sanitary sewer system shall be consistent with the Master Plan for Water Distribution and Basin Sanitary Sewer Evaluation Studies.

B.    **Developer Responsibility.** The developer will be responsible for providing the necessary water and sanitary sewer infrastructure including service (domestic, irrigation, fire line) additions and/or abandonments for every lot in the development. The developer shall install all water and sanitary sewer facilities needed to serve the development and shall extend all water and sanitary sewer mains and appurtenances necessary to connect the development with the City's water distribution system and with the City's sanitary sewer system, subject to City participation in oversize costs and subject to reimbursement from proceeds of the water and/or sanitary sewer main fees established for such purpose, consistent with the provisions of this Article and the "Water" Chapter, as amended.

For individual lots that are residentially zoned and singularly platted (not part of a preliminary plat of two or more lots), the City will install the services to the property, where main line facilities are available, at the time the appropriate fees are paid to the City at the time services is desired.

A developer with two (2) or more lots shall execute a 3-way contract with the Water Utility Department for the water and sanitary sewer improvements. (Amend Ord 04-112, 12/20/04)

The criteria for providing water and/or sanitary sewer service to property is also included in the "Water and Sewer" Chapter of the Code.

C. **Extension of Lines.** If alternatives exist as to extensions, the Director of Utilities shall have the authority to determine the most appropriate alternative. The Director of Utilities shall retain the authority to reject any extension not deemed to be in the best interest of the City.

D. **Requirements**

1. Public sanitary sewer mains shall be a minimum of eight-inch diameter lines. The Director of Utilities may require larger lines in order to adequately serve the development. The City may require oversizing in order to serve the remainder of the drainage basin beyond the property being served. The City may require all on-site sewage flows generated by any development or part of the development to be delivered to a single location for off-site disposal.

2. Public water mains shall be a minimum of six-inch diameter lines for residential development and a minimum of eight-inch or larger lines for all other development as determined by the Director of Utilities in order to serve the development. In addition, the water mains shall be sized in accordance with the City's latest Water Distribution Analysis to form a grid of twelve-inch lines at a maximum one-half mile spacing with eight-inch lines looped at maximum one-quarter mile intervals within the distribution system, unless fire flow or domestic services require larger lines. The developer shall provide analytical data for this demand prepared by a P.E. for review by the Director of Utilities.

3. All public water and sanitary sewer mains shall be located in the frontage of the property along streets or in easements adjacent to the development in order to provide service to adjacent property.

Public water and/or sanitary sewer mains shall not be located within a private street, drive or access easement unless a public utility easement is provided.

E. **Compliance with Requirements.** Plans for construction of all water and sanitary sewer facilities required by these regulations shall be prepared by an engineer in accordance with the requirements and specifications contained in the Standard Specifications for Water and Sewer Construction (Ord. 97-124), as amended, the *Design Criteria Manual*, the regulations of the Texas Commission on Environmental Quality (TCEQ), National Sanitation Foundations (NSF), Texas Department of Insurance, Insurance Services Office, and the City's current adopted Uniform Fire Code, which are incorporated by reference and made a part hereof. Plans for the improvements must be prepared by a licensed engineer and accepted by the Director of Utilities.

**Section 6.02 Extension of Water and Sanitary Sewer Mains**

Where extensions of water and sanitary sewer systems are required, the developer shall extend water and sanitary sewer facilities to and through the property on the following basis:

A. Concurrent with the submission of a preliminary plat, combination plat, replat or minor plat, the developer(s) shall submit to the Director of Utilities a map or plan showing the location and size of water and sanitary sewer mains which will be required to ensure adequate service and fire protection to the lots specified in the proposed plat. Plans and specifications for fire hydrant systems shall be submitted to the Fire Department for review prior to construction.

B. At the request of the Director of Utilities, and prior to filing of plat record with Tarrant County, the developer shall submit a layout showing the proposed location of water lines, wastewater lines, and water meters to ensure adequate access is available for meter reading and maintenance.

### **Section 6.03    Three-Party Contract Required**

Prior to the extension of any water main or sanitary sewer main, or any construction of such facility or appurtenances, the developer shall execute a three-party contract with the City on a form prepared or approved by the City Attorney which clearly defines the scope and details of the proposed extension and which contains the owner's agreement to abide by all regulations of the City and to deliver to the City clear and unencumbered title to all the proposed improvements at the time of initial acceptance by the City.

### **Section 6.04    City Participation and Reimbursement**

A. **City Participation in Oversize Water and Sanitary Sewer Mains.** The City may participate in the costs of oversizing public water and/or sanitary sewer mains and appurtenances which exceed the size required to adequately serve the development, subject to available funding. Application for City participation and City Council approval must be made prior to construction. The developer shall initially defray the entire cost of the oversized facility, unless the City Council determines otherwise. The City, following dedication and initial acceptance of the constructed facility, shall pay only the difference in construction cost between the size of the main necessary to serve the development and the size of the main required by the Director of Utilities.

B. **City Participation in Perimeter Water and/or Sanitary Sewer Mains.** In addition to participation in the costs of oversizing, where the owner is required to construct a water or sanitary sewer main adjacent to or contiguous to the development, the City may participate in one-half the reasonable construction costs of the size water or sanitary sewer main necessary to serve the subdivision for the length of the main lying along the perimeter of the property. This shall not apply for mains being installed adjacent to state rights-of-way, utility rights-of-way or where parallel mains are installed along both sides of the street. The subdivider and/or property owner shall make a request for refund prior to construction of the facility, and no refund shall take place until the facility has been dedicated to and initially accepted by the City and the City Council has authorized the participation. Participation is subject to the availability of funding.

C. **Reimbursement for Off-Site Extensions.** In addition to participation in the costs of oversizing, where the owner is required to extend water or sanitary sewer mains to the property to be platted, the City may reimburse the owner for the reasonable construction costs of the extension up to but not greater than 100 percent of the participation in the construction cost. The owner shall make a request for refund prior to construction of the facility, and no refund shall take place until the facility has been dedicated to and initially accepted by the City. No requests for participation shall be processed if the construction of the facilities is underway or completed. Reimbursement for off-site lines will be upon the completion and acceptance of the facilities subject to City Council approval and funds being available. If the request is denied, the subdivider and/or property owner has the option of defraying the entire cost or abandoning the project.

#### **Section 6.05    Other Fees**

A. **Acquisition of Easements.** The developer shall be responsible for the acquisition of all required off-site easements. If the developer is unable to acquire the necessary off-site easement, the City shall be provided with easement or right-of way survey documents and exhibits, documentation, including evidence of a reasonable offer made to the affected property owner. Upon receiving a written request for assistance, the City may, at its option, acquire these easements either through negotiations or through condemnation in appropriate situations. The developer shall reimburse the City for the costs of acquiring the necessary easements including but not limited to attorney fees.

B. **Required Fees.** Fees, as established by resolution of the City Council, are levied for the plat review and inspection of water and sanitary sewer facilities constructed in subdivisions including off-site facilities, but excluding oversize costs. Plats presented that require water or sanitary sewer improvements shall be assessed an additional fee, as established by resolution of the Council, equaling a percentage of the total cost of utility improvements, as calculated by the Director of Utilities.

At the time three-party contracts for construction are submitted, the plat review and inspection fee will be calculated. A copy of the bid providing a breakdown of the unit costs shall be submitted along with an insurance certificate showing proper coverage. This fee must then be paid by the developer to the Water and Sewer Fund prior to construction beginning on the public water and sanitary sewer improvements.

#### **Section 6.06    Procedures for Extensions**

Water and sanitary sewer main service to a development in the City may be extended in the following manner:

A. The developer's engineer shall design and prepare construction drawings for water and sanitary sewer facilities to serve the development.

B. Plans and profiles submitted by the developer's engineer shall be on standard 24 inch by 36 inch sheets of blue-line paper. Plans and profiles shall be shown at scales of

one inch equals 20 feet, or one inch equals 40 foot horizontal and one inch to four feet vertical, unless approval is given otherwise. Plans and profiles shall show clearly all surface improvements, all existing or proposed subsurface utility lines and obstructions, and street and alley grades as accepted by the Department of Public Works. Plans for off-site facilities shall be submitted to the franchised utilities, other authorized utilities, and pipeline companies, during design to identify and resolve conflicts. All off-site easements shall be acquired and filed prior to construction beginning. The engineer submitting the plans and profiles must affix the Licensed Texas engineer's approved seal, signature and date to all drawings.

C. Upon preliminary approval of the drawings by the City of Arlington Water Utilities Engineering Division, the developer may enter into a contract with an approved water and sewer contractor provided that the construction and installation of the water mains and sanitary sewer mains shall be viewed by inspectors of the City to see that the installation is made in accordance with the drawings and the City's Standard Specifications which, in every instance, shall be a part of said installation contract.

D. Upon preliminary approval, the engineer for the owner will be furnished with three blank forms of the standard three-party contract. This agreement shall be executed by the water and sewer contractor and developer, and approved by the City of Arlington prior to any construction beginning in the subdivision. The contract entered into between the developer and contractor shall provide for a performance bond, payment bond and maintenance bond, which is a part of the standard three-party contract. Each of the above-referenced bonds shall be in an amount equal to the total contract price. An insurance certificate providing adequate coverage for the water and sewer contractor, as set forth in the Standard Specifications, and a copy of the bid giving a breakdown of the unit costs, and inspections fee shall be submitted with the contract documents.

E. Purpose

All complete final plans and specifications for water and sewer infrastructure must be submitted in electronic format. The electronic file should contain a site plan overview sheet that shows all water and sewer features for the project on one layout when possible.

Consistency Between Electronic Copy and Hard Copy

Submit all information required to reproduce a hard copy from the electronic file. The electronic copy and hard copy shall be identical with the exception of the original signature on the engineer's stamp. If the City encounters significant problems during reproduction, the drawing will not be accepted.

Electronic As-built Drawing Set

Plan and Profile:

- All newly constructed infrastructure components shall be placed on the following layers:

Feature	Layer
Proposed Water Lines	C-WTR-WL
All Proposed Text	C-WTR-TXT C-SWR-TXT
Proposed Water Line Valves	C-WTR-GV
Proposed Water Line Fire Hydrants	C-WTR-FH
Proposed Sewer Lines	C-SWR-SL
Proposed Sewer Line Cleanouts	C-SWR-CO
Proposed Sewer Line Manholes	C-SWR-MH

- In the plan section of the drawing, submit all *infrastructure components* in model space. *Drawing objects* not directly tied to the model and/or sheet specific information may be placed in model space or paper space.
- In the profile, detail, and cross-section, all *infrastructure components* not directly tied to the model may be placed in model space or paper space.
- All *specific construction notes* shall be in model space. *General construction notes* may be located in either model space or paper space.
- Include and attach all detail information generated by automated design software that describes *infrastructure components*.
- *Non-referenced images*, standard drawings, specifications, and/or blocks shall be bound in the drawing and not attached as an external reference.
- If registered orthophotography is used as a backdrop, the image and registration file along with directory information, shall be provided.

#### Plot Layout/Plot Settings:

- Submit all information required to reproduce a hard copy from the submitted electronic file.
- Standard AutoCAD font and line types shall be used.

#### Referenced Information:

- If Xrefs are used with a drawing, bind all Xrefs before submission. The City will not accept drawing with Xrefs.
- Purge all invisible *drawing objects* before submission.

#### Horizontal Control:

- All plans submitted to the City shall be prepared using the NAD83 State Plane Grid Coordinate System.
- The City has established horizontal control monumentation that is tied to this coordinate system. Monumentation data is available in the map room or on the City's web page.

#### Vertical Control:

- Vertical control shall be tied to NAVD88.
- The City has established vertical control throughout the City. This information is available in the map room or on the City's web page.

#### Miscellaneous Information:

- Each line segment should be broken at each of the following feature types: Fire Hydrants, Valves, Plugs, Manholes, Cleanouts, Stub outs, Slope Changes, Bends, Tees, Crosses, and Wyes.
- Line segments should not be broken by text or anything else other than the features listed above. The electronic file should be in AutoCAD 2005 or lower or DXF format. Using the Etransmit function in AutoCAD all files should be packaged together as an .exe or .zip file.

#### Media

Files submitted shall be on an IBM compatible 3-1/2 inch floppy diskette or CD ROM. Clearly label all diskettes or CD ROM with City project number, project name, file name and extension(s), AutoCAD version, and date.

#### Registered orthophotography/registration file

Herein orthophotography is defined as aerial photography (pictures taken from the air) registered to mapped features in plan view. This shall be used as a backdrop to provide additional map detail, but shall not be used to map *Infrastructure Components*. True orthophotography has been registered in a fashion that corrects for vertical distortion (adjusted to account for changes in the terrain.) In this document, the term orthophotography has been expanded to include horizontally registered images, i.e.,



vertical correction is not required. Acceptable image formats include TIF and JPEG. Registration files shall accompany orthophotography, as they are required to restore the image's orientation in the drawing. These files contain coordinates for the image's insertion point and values for scale and rotation. Acceptable formats include TIF world files (TFW) and JPEG registration files (JPF). For each orthophotograph used in a drawing the following information shall be provided:

1. Image file name
2. Registration file name

#### Non-referenced images

Miscellaneous images (usually snap shots or scanned illustrations) inserted into a drawing to provide further detail, to show stages of construction, or other information regarding construction. Non-referenced images shall be imbedded in the drawing and shall not have registration files. (Amend Ord 04-112, 12/20/04)

F. Upon final acceptance of the plans, the developer's engineer shall furnish the City water and sewer construction plans as the City may require. When the project is ready for construction and the plat has been filed with Tarrant County, it shall be the responsibility of the developer's engineer to furnish line and grade stakes on water and sanitary sewer mains, water and sewer services, fire hydrants, manholes and manhole tops. After installation and initial acceptance by the City, the developer's engineer shall furnish one copy "As-built" set of drawings to the City along with an AutoCAD file of the "As-built" drawing as described in Section E. No installation of public water and/or sanitary sewer mains will be made at any other location except a dedicated street, alley or an easement running in favor of the City which shall be filed of record by the owner of said addition. The final construction location of the water and/or sanitary sewer facilities shall be field verified to ensure they are within the dedicated street, alley, or easement. If the line does not lie within a City right-of-way or easement, the developer shall have an instrument prepared for filing to coincide with the actual line location. The instrument will be filed by the City in the Tarrant County Deed Records. Any such installation, when made, shall become the property of the City, free and clear of all encumbrances, following expiration of the maintenance bond. (Amend Ord 04-112, 12/20/04)

#### **Section 6.07    General**

Any and all sums of money hereinafter collected as a fee or connection charge under this Article, at the rate set out in these regulations, shall be credited to the water and sewer fund of the City.

A. **City Not Obligated If Funds Not Available.** In no event shall the City be obligated to proceed under the terms of these regulations if funds are not available or if in the discretion of the City, the extension may not be practical. Nothing in these regulations shall be construed as a surrender by the City of its control over streets, alleys,

public ways or public easements. The decision of the Director of Utilities shall be final in determination of line size and approval of drawings and specifications.

B. **Standard Specifications.** All water and sanitary sewer design and construction shall be done in accordance with the "Standard Specifications for Water and Sewer Construction" (Ord. 97-124), as amended by the Council.

C. **No Vested Rights.** No person shall acquire any vested rights under the provisions of this ordinance. (Amend Ord 03-051, 4/29/03)

## **ARTICLE VII LINEAR PARKS**

### **Section 7.01 Purpose and Intent**

The purpose of this Article is to assure that sufficient linear park land and facilities are provided to meet the recreational demands and needs of those residents of the City that are created as a result of new residential growth and development and to encourage measures for nonstructural flood control that will reduce the risk of flood damage for surrounding development. It is the intent of these regulations to require that linear park land be provided in proportion to the needs for such park land created by new residential development in accordance with the Parks Master Plan during the plat approval process. Accordingly, the City makes the following findings:

A. Linear parks provide passive open space and recreational opportunities for City residents, such as bicycling, running, walking and roller skating.

B. Linear parks protect natural systems, preserve remaining native tree stands and significant vegetation and provide riparian habitat for wildlife, all of which are enjoyed by City residents.

C. Linear parks serve the purpose of providing critical flood zones for storm water storage, erosion control and water purification.

D. The obligation should initially be placed on the developer of the subdivision to provide linear parks proportional to the needs generated for park land by the proposed subdivision.

E. While it is the City's intent to acquire all of the 100-year floodplain contained within designated linear parks, the developer should not be required to contribute more than his fair share of land and improvements needed for linear parks; consequently, the City should acquire park land and participate in the costs of making improvements that exceed the developer's proportionate share.

F. It is reasonable to use linear park fees as a measure of the needs for linear park land and improvements generated by the subdivision and for purposes of apportioning the costs of land and improvements for linear park land between the developer and the City.

## **Section 7.02    Linear Park Platting Requirements**

A. Except as expressly provided otherwise in this Article, whenever a development includes land within a linear park, as indicated in Exhibit "C" of the Park Development Fee Ordinance, such land shall be platted as a separate tract and shall be dedicated to the City to the extent required in this article. The plat also shall designate sufficient land immediately adjacent to the linear park for street access to the linear park. Prior to approval of any plat, or replat, the owner shall offer to dedicate, at a minimum, his proportional share of land to the City. (Amend Ord 04-112, 12/20/04)

B. No plat application shall be accepted for review unless the requirements of this article are met. These requirements include, but are not necessarily limited to, the following:

1. The configuration of the linear park land and the street access shall be shown on the plat;

2. A proposed purchase agreement shall be attached when the owner anticipates selling any part or all of the linear park land to the City; and,

3. A proposed developer participation agreement shall be attached unless specifically waived in writing by the Director.

Failure to designate linear park land or street access on the plat and execute agreements as required by this article shall be grounds for denial of the plat.

C. The Director of Parks and Recreation or his/her designate (hereinafter "Director") shall first determine the amount of linear park land required to satisfy the needs of the residents of the proposed subdivision, based upon the Park Improvements Plan and the Park Development Fee Ordinance. The amount of land to be dedicated by the developer shall initially be determined by dividing the amount of the maximum linear park fees due (Schedule 1) for the subdivision by the value of the linear park land (expressed as dollars per acre) established under Exhibit "C" of the Park Development Fee Ordinance. Separate valuations for floodway and the remainder of the land in the one hundred (100) year floodplain may be established. The Director shall determine the location, suitability and the boundaries of the land required to be dedicated in accordance with the site criteria contained in Section 7.04. (Amend Ord 04-112, 12/20/04)

D. To the extent that the amount of the linear park land included within the subdivision exceeds the amount of land required to be dedicated under Section 7.02(C), the City in its sole discretion may acquire all or part of the excess land within the linear park tract using

the procedure set forth in this article, or authorize the owner to continue the plat approval process excluding such excess land or part thereof from the linear park tract.

E. Whenever the amount of linear park land within the subdivision equals or exceeds the amount required to be dedicated under Section 7.02(C), the dedication of such land shall be deemed to offset all linear park fees due for the subdivision under the Park Development Fee Ordinance. If the amount of linear park land to be dedicated is less than that needed to serve the subdivision, the City shall offset the value of such land against linear park fees otherwise due for the subdivision pursuant to procedures set forth in the Park Development Fee Ordinance.

F. The City may, in its sole discretion, agree to purchase the amount of linear park land within the subdivision that is equal to or exceeds the amount required to be dedicated under Section 7.02(C) in lieu of offsetting linear park fees due for the subdivision. If the owner prefers to sell land to the City then a proposed purchase agreement must be submitted with the plat application.

G. Any plat to be filed of record shall show the location and dimension of all land to be dedicated and/or reserved as linear park land and include the following dedication statement:

*The portion labeled on the plat as "Linear Park Land" is dedicated to the public use as a linear park in fee simple title to the City of Arlington, Texas. The Linear Park Land is to be used by the public for reasonable recreational activities consistent with the area as a residential subdivision, and may be improved and maintained by the City of Arlington, Texas as necessary to facilitate those purposes.*

### **Section 7.03    Linear Park Platting and Acquisition Procedures**

A. Two alternative procedures shall be available for meeting the linear park requirements of this Chapter. Under the first procedure, the developer shall plat as a separate lot all linear park land lying within the proposed plat, as indicated in Exhibit "D" of the Park Development Fee Ordinance, and propose a purchase agreement for such land, pursuant to procedures contained in subsection C.

Under the second procedure, the developer may offer for dedication less than all linear park land lying within the proposed plat, as indicated in Exhibit "D" of the Park Development Fee Ordinance, and seek authorization to exclude the remainder of the land from the proposed plat, pursuant to procedures contained in subsection D. The City specifically reserves the right to acquire any additional linear parkland in excess of the proportionate share required to be dedicated.

B. A developer participation agreement, prepared in accordance with Section 7.07, shall be submitted with the plat application providing for access to the linear park tract to be dedicated and/or purchased by the City. The design of access improvements shall be in accordance with Section 7.06. Any plat application involving land identified as linear

park land on the Park Improvements Plan, or land that is immediately adjacent thereto, that is submitted without a developer participation agreement shall not be accepted for review, and failure to provide such agreement shall be grounds for denial of the plat. The proposed agreement shall be made subject to the City's acquiring the land for linear park purposes.

C. The developer shall also propose a purchase agreement for linear park land lying within the proposed plat if the owner intends to sell all or part of the linear park land to the City. The proposed purchase agreement shall be submitted with the plat application, shall describe with particularity the land to be acquired and shall contain the proposed value of the land. The agreement shall also provide appropriate guarantees that the property to be acquired shall be retained in its natural state during the subdivision process, or that restoration or mitigation shall be made, consistent with Section 7.08.

D. The Director shall notify the applicant in writing within ten (10) business days of the date the completed plat application is accepted for review of whether he will recommend approval, modification or disapproval of the proposed plat and agreements, along with a list of any deficiencies in and revisions to the same. The agreements shall be negotiated within the time for approval of the plat, unless the developer voluntarily agrees to an extension of time for plat approval to accommodate finalizing the agreements.

No final plat shall be approved until a final purchase agreement and any developer participation agreements have been approved by the City Council.

1. The purchase agreement shall provide that the price of the land shall be either the agreed price or the lesser of the appraised value or a not-to-exceed amount established by the City.

2. In the purchase agreement, the City and the developer may agree to acquisition of less than all linear park land contained within the proposed plat, or to offset linear park fees otherwise due by reducing the equivalent amount of land to be purchased under the agreement calculated in the manner provided in Section 7.02(C). If the City enters into a purchase agreement for the entire linear park tract, no offsets against linear park fees pursuant to the Park Development Fee Ordinance shall be granted for the linear park land acquired.

3. If the Director determines not to enter into the purchase agreement, or if the City otherwise fails to reach agreement with the developer upon the determination by the Planning Director that the plat is administratively complete, or within the extended time voluntarily agreed to by the developer, the Director shall authorize the filing of a revised plat application to be processed in accordance with Section 7.03(C). (Amend Ord 04-112, 12/20/04)

E. If the developer proposes to dedicate or sell less than all linear park land contained within the proposed plat application, as delineated in Exhibit "D" of the Park

Development Fee Ordinance, he shall offer for dedication as a minimum the amount of park land calculated pursuant to Section 7.02(C) and located in accordance with the criteria in Section 7.04.

F. The developer may appeal the initial determination of the Director concerning linear park requirements to the City Council as a reserve authority appeal. If the plat application meets the linear park requirements of Section 7.02, and the owner has dedicated or sold to the City linear park land proportional to the needs generated for park land by the proposed subdivision the plat may be approved excluding part of the total linear park land contained in the subdivision from the plat, subject to the City's ability to acquire such excess linear park land as may be needed.

#### **Section 7.04    Linear Park Site Criteria**

The suitability of land for linear park purposes shall be evaluated by the City in accordance with the following criteria:

A. Linear park sites shall be of a suitable size, dimension, topography, and general character to meet the design criteria specified in the Parks Master Plan and in the Park Improvements Plan for linear park facilities.

B. In determining the suitability of the land for inclusion in a linear park under this article, the Director shall take into account the relative sizes of the 100-year floodplain and the floodway within the area to be subdivided and the usability of the land to be dedicated.

C. Access to the linear park must be available through a dedicated public street in accordance with criteria in Section 7.05.

D. Linear parks shall have a minimum width of fifty (50) feet on each side of a river or creek channel, where feasible, measured from the top of the bank (and excluding the channel).

E. As a general rule, the location of street access to linear parks shall be located on the outside edge of the one-hundred year floodplain.

F. Any proposal to dedicate only a proportionate share of land identified as linear park land in the Parks Master Plan should be located adjacent to the street access for the linear park.

#### **Section 7.05    Linear Park Street Access**

A. The developer shall provide access to linear park land by dedicating a minimum of fifty feet (50') of right-of-way for a street contiguous to the linear park tract. The intent of this provision is to ensure that street access is provided, at a minimum, to 50 percent of the length of the park, on both sides of the creek, unless an alternative proposal is

approved pursuant to Section 7.05(C). If street access is already in place along the entire length of one side of the existing or proposed linear park area, additional street access is only required for 25 percent of the length of the opposing side, unless an alternative proposal is approved pursuant to Section 7.05(C). Unless otherwise required by the Department of Public Works, the street shall be designed as a single-loaded facility with a minimum paving width of twenty-eight feet (28'), in accordance with Article IV.

B. If the City already owns linear park land adjacent to the proposed subdivision, linear park street access shall be provided adjacent to such park land in the manner set forth in this Section.

C. In order to further facilitate access to linear parks, the City may require a perpetual unobstructed walkway or bikeway easements in accordance with the Parks Master Plan, the Park Improvements Plan for linear park facilities, and the requirements of Article IV.

D. The developer may propose an alternative design for access to the linear park tract. The alternative design may include reduction in the linear footage of street frontages, cul-de-sacs fronting on the linear park, and loop streets which provide public access fronting on the linear park. In considering such alternative subdivision design, the Director's recommendations to the Commission or City Council shall take into account the topography and the nature of the linear park land, the extent to which adequate access already is provided to adjoining linear park land, and the extent to which the alternative subdivision design meets related standards in these regulations. In approving any alternative subdivision design, the street frontage along the linear park shall be maximized.

E. Storm drainage system criteria shall be as specified in the Article V. Drainage improvements shall be constructed to the flowline of the main drainage feature. Outfalls shall be designed and aligned to minimize bank erosion. Storm drainage plans and locations reviewed by the Department of Public Works shall be coordinated with the Parks and Recreation Department and shall meet all requirements of the Subdivision Rules and Regulations.

F. All public utilities shall be underground in and along linear parks and along rear lot lines of property abutting linear parks. However, the Director may authorize the construction of above-ground utilities in those instances where the Director determines:

1. The benefit of underground utilities is outweighed by the harm or damage to the soils, topography, plant materials and natural habitat caused by the installation of underground utilities; and,

2. The installation of above-ground utilities does not create any hazards, detract from the appearance of adjacent linear park land, or otherwise conflict with the purpose and intent of the City's linear park system.

G. Water and sanitary sewer utility alignments shall be coordinated with the Parks and Recreation Department and designed to serve linear parks where necessary.

#### **Section 7.06 City Participation**

A. The City may participate in a maximum of fifty (50) percent of the costs of linear park street access improvements and related costs for design, drainage, and inspection attributable to linear park land or linear park street access improvements within the subdivision or may enter into an agreement to reimburse the developer for such excess costs.

1. Participation and reimbursement provisions shall be incorporated in a developer participation agreement as required in Section 7.07.

2. The City's participation in excess costs pursuant to this article shall be in accordance with state law and contingent on approval by the Council, and availability of funds.

#### **Section 7.07 Developer Participation Agreement**

The City may enter into a developer participation agreement for linear park street access improvements consistent with the following requirements, which shall be incorporated into the agreement:

A. Design and construction of roadways providing access to linear parks shall be in accordance with the City's standards, and policies governing procurement of professional services.

B. All linear park improvements shall be constructed in accordance with plans and specifications approved by the Parks and Recreation Department.

C. Prior to construction of any improvements, the owner shall deliver to the City Departments responsible for accepting, approving or supervising such improvements a performance bond, payment bond, and maintenance bond from the contractor performing the work in the sum of one hundred percent (100%) of the cost to complete the improvements. These bonds shall be executed by a surety company acceptable to and approved by the City and authorized to do business in the State of Texas. Such bonds must be in a form acceptable to and approved by the City. In addition, if such bonds exceed the amount of \$100,000, they must be issued by a surety that is qualified to assure obligations permitted or required under federal law, as indicated by publication of the surety's name in the current U.S. Treasury Department Circular 570.

D. All improvements shall be expressly warranted and the maintenance bond shall insure that construction is in compliance with plans and specifications approved by the City Departments responsible for accepting, approving or supervising such improvements, and is free from all defects. Any defects shall be remedied and repaired



within twenty (20) days of written notice from the City that the defect exists unless additional time is granted, in writing, to remedy the defect. The City shall be indemnified from all expenses and liability incurred by the City as a direct and proximate cause of any such defects for a period of up to two (2) years after acceptance of the improvement.

E. Before awarding construction contracts for linear park street access improvements, the total bid plus unit price bids shall be submitted to the Parks and Recreation Department or the City Department(s) responsible for accepting, approving or supervising such improvements. If, in the Director's sole opinion, the bid amounts exceed prices normally bid for such improvements, he may require the owner to seek additional bids.

F. All construction contracts shall be submitted to the City Departments responsible for accepting, approving or supervising such improvements for approval. Once approved by the Department(s), a contract may not be amended or changed without prior written approval to the extent that the amendment or change impacts the improvement.

G. During the construction of the linear park street access improvements, the City shall have the right, but not the duty, to inspect the park improvements for compliance with the approved plans and specifications and the developer participation agreement or three-way contract.

H. The Parks and Recreation Department may require, at its option, that title insurance be provided at the owner's cost in an amount equal to the amount paid for the land and any improvements thereon, or such other evidence of good title acceptable to the City Attorney or his designee, indicating that the City will be receiving good and indefeasible fee simple title free and clear of all liens, encumbrances and restrictions.

I. If the linear park street access improvements are in compliance with the approved plans and specifications and the developer participation agreement, the Director of Public Works shall issue a letter of acceptance which shall evidence the City's acceptance of ownership and maintenance of the public improvements and the real property associated therewith. In no event shall the City be required to accept separate improvements at different times; however, nothing shall preclude the City from doing so if, in the reasonable opinion of the Director, it is beneficial and feasible for the City to do so. The City shall not release any funds for payment towards improvements, until such time as the owner provides detailed documentation of the costs incurred, together with a written payment request, and the Director has finally accepted the improvements.

J. The City, its officers, agents and employees shall be indemnified, defended, and held harmless from all suits, actions, or claims of any character, name and description brought for or on account of any injuries, including death or damages, received or sustained by any person or property on account of or arising out of the construction of a park improvement or defects existing within the warranty period; or on account of or arising out of the operations of the developer, its contractor, agents or employees or the contractor's subcontractors, agents or employees; or on account of any negligent act or

omission of the developer, its contractor, agents or employees or the contractor's subcontractors, agents, or employees; and shall be required to pay any judgment with costs, which may be obtained against the City, its officers, agents or employees growing out of such injury, including death or damages.

**Section 7.08    Protection/Restoration of Park Land**

A. No person, firm, partnership, corporation, group, organization, or other entity of any type or nature specifically including, but not limited to, the owner of a proposed subdivision shall develop, improve or alter any floodway or the remainder of the land in the one hundred (100) year floodplain adjacent to or included within an existing or a proposed linear park site as specified in Exhibit "D" of the Park Development Fees Ordinance unless previously authorized by the Director in accordance with the "Flood Hazards" Chapter of the Code.

B. No person, firm, partnership, corporation, group, organization, or other entity of any type or nature specifically including, but not limited to, the owner of a proposed subdivision shall dump or deposit fill material in any floodway or in the remainder of the land in the one hundred (100) year floodplain adjacent to or included within an existing or a proposed linear park site as specified in Exhibit "D" of the Park Development Fees Ordinance unless previously authorized by the Director in accordance with the "Flood Hazards" Chapter of the Code.

C. No person, firm, partnership, corporation, group, organization, or other entity of any type or nature specifically including, but not limited to, the owner of a proposed subdivision shall remove or disturb trees or significant vegetation in any floodway or in the remainder of the land in the one hundred (100) year floodplain adjacent to or included within an existing or a proposed linear park site as specified in Exhibit "D" of the Park Development Fees Ordinance unless approved pursuant to a restoration plan previously authorized and approved by the Director, in accordance with the "Flood Hazards" Chapter of the Code.

D. Prior to development of any land adjacent to any proposed or dedicated linear park site as specified in Exhibit "D" of the Park Development Fees Ordinance, appropriate fencing shall be installed along the line of adjacency with the linear park site to prevent any disturbance to the linear park site during any period of development. The minimum standard for "appropriate fencing" shall be a six-foot (6') tall *temporary* chain link fence.

E. As an alternative to Paragraph D, the Director may enter into an agreement allowing the owner or applicant to post a cash bond or establish an escrow fund in lieu of installing appropriate fencing along the line of adjacency with the linear park site. Prior to entering into any such agreement, the Director must determine that the risk of damage to the linear park site by such development is minimal and that the amount of any cash bond or escrow fund is sufficient to repair any reasonably foreseeable damage to the linear park site.

1. The cash bond or escrow fund shall be in an amount determined by the Director as necessary to protect or restore the linear park site to its pre-construction condition. In no event shall the amount of the cash bond or escrow fund be less than ten percent (10%) of the total amount of the City's participation in any improvements benefiting the linear park site.

2. A letter of credit shall not be accepted to establish a cash bond or escrow fund. The applicant may, however, purchase a surety bond from a surety company acceptable to and approved by the City and authorized to do business in the State of Texas. Such bonds must be in a form acceptable to and approved by the City. In addition, if such bonds exceed the amount of \$100,000, they must be issued by a surety that is qualified to assure obligations permitted or required under federal law, as indicated by publication of the surety's name in the current U.S. Treasury Department Circular 570.

3. The required cash bond or escrow fund may also be established by an agreement to withhold the moneys required for the cash bond or escrow fund from payments due under a Developer Participation Agreement. The withholding of such escrow fund moneys shall be in addition to any amount of retainage withheld under a Developer Participation Agreement.

4. In the absence of the protective fence and the establishment of a cash bond or escrow fund hereunder, the City shall be entitled to assert a claim against and withdraw or draw down such moneys from the cash bond or escrow fund as may be necessary to:

a. clean up debris, waste and other materials deposited, flowing, migrating or blowing on to the linear park property from any other source, location or site; and/or,

b. repair any damage to and/or replace the soils, topography, plant materials and natural habitat contained in, on or about the linear park property.

5. Any funds collected from the cash bond or escrow fund may in the determination of the Director be held in a City account until such time as it is deemed prudent to clean-up the property or repair and replace damaged soils, topography, plant materials and natural habitat. While priority will be given to expending the collected funds on cleaning up the property and repairing or replacing soils, topography, plant materials and natural habitat on, in and about the damaged linear park property such funds may be used at other locations throughout the City.

6. In asserting a claim against and withdrawing or drawing down funds from the cash bond or escrow fund for clean-up, repairs and replacement the City shall have no obligation or responsibility to establish the identity of the person, party or entity responsible for damaging, injuring, littering or contaminating the linear park property. The applicant seeking relief from the fencing requirement pursuant to this provision shall be deemed to be strictly liable for all damage or injury to, and litter or contamination of the linear park property.

F. Any person, firm, partnership, corporation, group, organization, or other entity of any type or nature specifically including, but not limited to, the owner of a proposed subdivision who develops, improves, alters or fills a proposed linear park site, including any disturbance of natural vegetation, as specified in Exhibit "D" of the Park Development Fee Ordinance without prior written approval from the Director shall be subject to restoration requirements, clean-up costs, and/or damages.

G. The Building Official, or an authorized representative, shall have the authority to issue a Stop Work Order or deny permits and inspections on any activity that is contrary to the provisions of this section.

**Section 7.09 Park Requirement as Additional and Supplemental Requirement**

A. The park dedication requirements established by this Article are additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land. Such requirements are intended to be consistent with and to further the policies of the City's Comprehensive Plan, the Parks Master Plan, the Park Development Fee Ordinance, Subdivision Rules and Regulations, and all other City policies, ordinances and resolutions by which the City seeks to promote orderly growth, protect against public harms and preserve natural resources.

B. Nothing contained herein shall obligate the City to accept or reject offers of dedication or agreements for construction and dedication of improvements for linear park access; nor shall these regulations relating to the provision of linear park land be interpreted to prohibit voluntary contributions of park land by property owners. (Amend Ord 03-051, 4/29/03)

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